Central Administrative Tribunal
Principal Bench

RA No.54/2011, RA No.199/2011 & RA No.200/2011
with
MA No.2850/2011, MA No.2856/2011 &
MA No.2857/2011
in
OA No.2278/2000, OA No.2191/2000 & OA No.2190/2000

New Delhi, this the 29th day of November, 2011

Hon'ble Mr. Justice V.K. Bali, Chairman
Hon'ble Dr. Ramesh Chandra Panda, Member (A)

I RA No.54/2011

Union of India, through
The Secretary to Government of India,
Indian Council of Agricultural Research (DARE),
Krishi Bawan,
New Delhi-01.

...Review Applicant

(By Advocate : Shri B.S. Mor)

Versus

Shri Mohit Sharma,
S/o J.C. Sharma,
R/o Qtr. No.387, Block-85,
Sect.I, D.IZ Area,
Gole Market,
New Dselhi-01.

... Review Respondent

(By Advocate : Shri Yogesh Sharma)

II RA No.199/2011

Union of India, through
The Secretary to Government of India,
Indian Council of Agricultural Research (DARE),
Krishi Bawan,
New Delhi-01.

...Review Applicant

(By Advocate : Shri B.S. Mor)

Versus

Shri Rama Kant Shukla,
S/o Daya Ram Shukla,
R/o C-60, Krishi Vihar,
New Delhi-48.

... Review Respondent

(By Advocate : Shri Yogesh Sharma)

III RA No.200/2011

Union of India, through
The Secretary to Government of India,
Indian Council of Agricultural Research (DARE),
Krishi Bawan,
New Delhi-01.

...Review Applicant

(By Advocate : Shri B.S. Mor)

Versus

Shri Ajay Singh,
S/o Shri Vijay Singh,
R/o 77/343, Gali No.1B,
Sheopur,
Sagarpur West,
New Delhi-46.

... Review Respondent

(By Advocate : Shri Yogesh Sharma)

: O R D E R :

Dr. Ramesh Chandra Panda, Member (A) :

MA No.2850/2011, MA No.2856/2011 and MA No.2857/2011

In view of the averments made in the MAs, we recall the order dated 13.10.2011 passed in three Review Applications. The RA No.54/2011, RA No.199/2011 and RA

Applications. The RA No.54/2011, RA No.199/2011 and RA No.200/2011 are restored to their original number.

RA No.200/2011, RA No.54/2011 and RA No.199/2011

2. We are disposing of all the three Review Applications by this common order, with the consent of the parties as the issues in all the RAs are common and the same counsel represent the parties in all RAs.

3. When these Review Applications came before the Tribunal for hearing on 24.11.2011, we noticed that Shri B.S. Mor, learned counsel is representing the review applicants whereas Ms. Mamta Chaudhary for Shri Praveen Swaroop, learned counsel represented them in the OA. As per the judgments of Hon'ble Supreme Court in **Tamil Nadu Electricity Board and Another Versus N. Raju Reddiar and Another** [AIR 1997 SC 1005]; and **Delhi Pradesh Regd. Medical Practitioners Association Versus Union of India and Others** [Review Petition (Civil) No.2279/2010 in **CA No.4757/2010** decided on 11.3.2011], it is normally required that the counsel who argued the case before the Tribunal in the OA for the party concerned must present the case in Review Application. It is noticed that Shri Mor learned counsel was not the counsel for the respondents in the OAs.

(10)

Be that as it may, in the interest of justice, we will take up the RAs on merits.

4. Shri B. S. Mor, learned counsel for the review applicants would submit that the Hon'ble High Court of Delhi has dismissed the Writ Petition (Civil) No.848/2003 and as such the order passed by this Tribunal would not sustain and, therefore, the same should be recalled and reheard.

5. Per contra, Shri Yogesh Sharma, learned counsel for the review respondents (counsel for the original applicant) would submit that the WP (civil) No.848/2003 was dismissed by the Hon'ble High Court of Delhi on 29.07.2011 as the respondent in the said Writ Petition has got the job elsewhere and was not interested to pursue his case in the Writ Petition to get regularized in the Indian Council of Agricultural Research. He, therefore, submitted a copy of the order passed by the Hon'ble High Court of Delhi in Writ Petition (Civil) No.848/2003 in support of his contentions.

6. Having heard the contentions of both the parties, we have carefully perused the review applications as well as the pleadings in the original applications. It is found that the Hon'ble High Court of Delhi has passed the following orders in WP (C) No.848/2003:-

" The applicant/respondent herein had filed OA 1386/2000 which was allowed by the Central Administrative Tribunal vide orders dated 7th August, 2002 directing the petitioner herein to re-engage the service of the applicant/respondent in a post equivalent to that of Office Assistant at the minimum of the pay scale for the post. Against that order, present writ petition is preferred and rule DB was issued vide orders dated 12th July, 2004 and the stay of the aforesaid directions of the Tribunal was also granted.

By this application, the applicant states that he does not want to press his relief made in the OA which he had preferred before the Central Administrative Tribunal.

In these circumstances, we set aside the order passed by the CAT. The OA 1386/2000 will be treated as dismissed. Stay order stands vacated.

The writ petition is disposed of in the aforesaid terms."

7. The plain reading of the above order would disclose that High Court had passed the order qua the respondent taking into account the facts presented by him in the **CM Application No.10752/2011** conveying that he did not want to press his relief. Due to the above facts, the said judgment does not guide us to decide the OAs and RAs. On the other hand, we have noted in our orders dated 26.07.2010 that orders passed by the High Court in a separate Writ Petition (WP(C) No.3389/2001) was applicable as the issues similar to the ones in the OA have already been decided by the Hon'ble High Court. On the basis of the said directions of the High Court, we disposed of the OA directing the respondents

to implement the orders of the Hon'ble High Court in case of the applicants in respective OAs. We note that the copy of the judgment of the High Court in CWP No. 3389/2001 was presented during the hearing which was reproduced in the order. It was decided that the issues in the OAs were similar to the issues decided in the WP(C) No.3389/2001. Therefore, the law laid down by Hon'ble High Court has been directed to be followed by the respondents for the applicants in the said OAs. The review applicants may not be satisfied with our directions, but for that, the review application is not the appropriate process by which they should redress their grievance.

8. The well settled legal position is that this Tribunal cannot sit on appeal on its own order. Our views are supported by the ratio laid in the judgments of Honourable Supreme Court in **Union of India Versus Tarit Mohan Das** (2003 STPL (L&E) 32747 SC) decided on 8-10-2003, **Gopal Singh Versus State Cadre Forest Officers Association** [2007 STPL(LE) 38452 SC] and **State of West Bengal Versus Kamal Sengupta** [2008 (8) SCC 612].

9. In view of our analysis and discussions within, we are of the considered opinion that there is no merit in the review

applications to recall our order dated 26.7.2010. Accordingly, all the Review applications are dismissed. No costs.

(Dr. Ramesh Chandra Panda)
Member (A)

(V. K. Bali)
Chairman

/pj/