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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. NO.58/2000 IN OA 2026/2000

NEW DELHI THIS 25th DAY OF MARCH 2003

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)

CPWD Graduate Engineers Association: Review Applicants

VERSUS

Union of India & Others

....Respondents

O R D E R (in circulation)

BY HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER(A)

R.A. 58/2003 seeks the recall and review of the Tribunal's order dated 9.5.2002, issued while disposing of the OA No. 2026/2000. Respondents in the OA are the review applicants.

2. MA No. 437/2003 seeking condonation of delay in filing the OA is condoned in the interest of justice.

3. We have considered the matter.

4. O.A. No. 2026/2000 has been disposed by us on 9.5.02, with the following directions:

" In the result, the application succeeds substantially and is accordingly disposed of. Respondents shall take steps to fully implement the decisions of the Tribunal in OA No. 1461/97 filed by B M Singhal followed by CP No. 317/98 in the same OA by ensuring that all those who were promoted on ad hoc basis during 23.4.98, 24.4.98 and 23.9.98 but were not found fit for regularisation by DPC and are continuing as ad hoc EEs are reverted and are not given any extension except by any order of the Tribunal or the Court. This shall be done within one month from the date of receipt of a copy of this order. Respondents shall also take action to convene a DPC to fill up all the vacancies falling under 1954 Rules. According to those Rules, without making any

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further diversions, if any unless directed by the Tribunal or Court. DPC for the purpose shall be constituted and shall meet within three months from the date of receipt of a copy of this order for finalising the selection. Those of the applicants who are selected for promotion would be entitled for all consequential benefits from the dates on which such vacancies arose, on notional basis but would be entitled for arrears of pay and allowances only from 22.9.2000 i.e. date of filing of this OA. As there has been a spate of litigations from all sides, which had partially led to the delay in the promotions, there is no case for grant of interest or costs."

5. Present RA details attempts by the review applicants to examine the feasibility of implementing the said order and the consultations made by them. The same however, does not bring out any error apparent on the record in that order which alone would bring the application within the purview of review in terms of Section 22(3) (f) of the AT Act read with order No. 47 under Rule 1 of Civil Procedure Code. Decision of the Hon'ble Apex Court in Avtar Singh Sekhon Vs UOI & Others [1980 SC 2041] is also fortifies our stand.

6. Review application has no merit. RA therefore has to fail. It is accordingly rejected.

S. Raju

(Shanker Raju)
Member (J)

Patwal/

(Govindan S. Tampi)
Member (A)