

Central Administrative Tribunal
Principal Bench: New Delhi

RA-256/94 in New Delhi this the 11th Day of August, 1994.
OA-1958/93

Sh. N.V. Krishnan, Vice-Chairman (A)
Sh. C.J. Roy, Member (J)

S. Pandirajan,
S/o Sh. M. Subas Chandra Murthi,
R/o 105, Arya Nagar,
Meerut Cantt-250 001.

...Applicant

(By Advocate Sh. K.B.S. Rajan)

Versus

Union of India through:

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| 1. Secretary, Ministry of Defence,
South Block, New Delhi. | 5. Development Commissioner,
Small Scale Industries,
Nirman Bhawan, New Delhi. |
| 2. D.G.E.M.E. (EME Civ.) AHQ,
DHQ, P.O., New Delhi. | 6. The Secretary, UPSC,
Dholpur House,
Shahjahan Road,
New Delhi. |
| 3. Officer-in-charge,
EME Records, Trimulgherry,
Secunderabad-500 021. | |
| 4. Commandant and Managing Director,
510, Army Base Workshop,
Meerut Cantt-250 001. | ...Respondents |

ORDER(BY CIRCULATION)

The applicant seeks review of our order dated 2.5.94. We have perused the R.A. and are satisfied that it can be disposed of by circulation and we proceed to do so.

2. We have directed that the applicant should be relieved immediately by the 4th respondent to enable him to join the post of Small Industry Promotion Officer (Industrial Management and Training) in the Small Industries Development Organisation under the 5th respondent and we have directed the 5th respondent to employ the applicant on that post for which he has been selected.

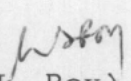
3. In the R.A. it is prayed that there is an inadvertent omission in our order inasmuch as we have not directed that

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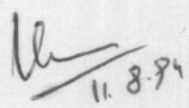
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the applicant should be deemed to be employed under 5th respondent with effect from the date when he could have joined that post if the respondents 1-4 had not delayed relieving him to join that post. This has resulted in a delay of $1\frac{1}{2}$ years in joining the post which will have adverse consequences. It is, therefore, prayed that the order be reviewed to make it clear that the applicant's pay should be fixed at the higher level of Rs.1700/- from February, 1993 and that he should be given seniority from that date.

4. We have considered the matter. We have deliberately refrained from giving any such direction for the simple reason that there was no averment in the O.A. that the applicant has been selected out of a panel recommended by the U.P.S.C. and that while others have joined after relief or otherwise, the applicant could not join because he was not relieved illegally by respondents 1-4. It is for this reason that no such direction was given. We are satisfied that the order passed in this case already renders substantial justice to the applicant. In the circumstance, we do not find any merit in the R.A. It is accordingly dismissed.


(C.J. Roy)
Member(J)

'Sanju'


(N.V. Krishnan)
Vice-Chairman(A)