

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

13

R.A. NO. 283/1995
in
O.A. NO. 2585/1993

New Delhi this the 12th day of December, 1995.

HON'BLE SHRI N. V. KRISHNAN, ACTING CHAIRMAN
HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Union of India through
General Manager,
Northern Railway,
Baroda House, New Delhi.
2. Chief Personnel Officer,
Northern Railway,
Baroda House,
New Delhi. ... Applicants

(By Shri H. K. Gangwani, Advocate)

-Versus-

Bani Singh S/O Lekhraj Singh,
Head Clerk, Refund Branch,
Northern Railway, H.Q. Office,
New Delhi.
R/O New Extension Colony,
Back Nishant Public School,
Rashalpur Road,
Palwal (Haryana). ... Respondent

(By Shri M. L. Sharma, Advocate)

O R D E R (ORAL)

Shri N. V. Krishnan, Act. Chairman —

This application for review has been filed by the original respondents and they are being referred to in this order as 'the respondents' for the sake of convenience. In the O.A. filed by the original applicant a direction was given that as the seniority of the applicant over the third respondent had been conceded by the official respondents the only direction that need be given was to consider the case of the applicant also for promotion as Assistant Superintendent with effect from the date the third respondent was given promotion as Assistant Superintendent, in accordance with law with all consequential benefits.

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It may be mentioned here that the third respondent was promoted as Assistant Superintendent on 15.10.1990.

2. As there ^{was} ~~is~~ delay in compliance of this order, the applicant filed C.P. No. 65/95. A reply was filed therein by the respondents justifying their action. In brief, their case was that as the third respondent, D. P. Khosla, had become junior in the seniority list, he was reverted from the post of Asstt. Suptd. That post was thereafter filled up by proper selection. In the selection, it was found that one Prahlad Singh, also an SC, who was also senior to both the applicant Bani Singh and the third respondent, Khosla, was promoted and accordingly, the benefit given to the applicant by our order could not be granted to him.

3. When this matter came up before us in the contempt petition on 4.9.1995, the learned counsel for the respondents was given one more opportunity to file a supplementary reply as to why the action as mentioned above, was taken by them without seeking proper direction from the Tribunal and why for that reason action in contempt should not be taken.

4. It is in these circumstances that this review application has been filed along with an M.A. for stay of the original order. A counter has been filed by the applicant.

5. We have heard the learned counsel for the parties.

6. The learned counsel for the respondents has taken us through the grounds mentioned in their review application. He points out that as early as on

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respondents had informed their counsel (Annexure R-3 to the R.A.) that it had been decided by the administration to cancel the recasted seniority list of Head Clerks which showed the third respondent as senior to the applicant and accordingly, a revised seniority list had been issued on 2.5.1994 in which the applicant is shown as senior to the third respondent. It further states that the plaintiff is supposed to get the benefits accrued to him as a result of revision of seniority. It is further stated that action to hold selection for the post of Assistant Superintendent was being taken shortly. It is pointed out that this was not brought to the notice of the Tribunal when the matter was finally heard. That apart, it is stated that subsequent to the judgment, the respondents' counsel was informed by the letter dated 6.2.1995 that the applicant ^{was} now ranked senior to the third respondent, Khosla, and the action to depanel Shri Khosla was underway. It is further stated that as Shri Khosla is being depanelled, the claim of the applicant for his promotion as Asstt. Superintendent is not tenable. The counsel was requested to advise the Tribunal about this decision with reference to their judgment dated 14.11.1994. It is pointed out that the counsel did not take any action in this matter. It is contended that in this background of the latest developments, the judgment rendered earlier suffers from factual infirmity and hence, there is an error apparent on the face of the judgment and hence review is sought.

7. We have heard the learned counsel for the respondents, that is, review applicants. We are

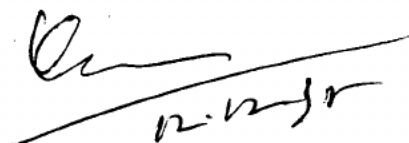
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review application does not point out to any mistake apparent on the face of the record. In fact, we had noted in our order that when it was brought to our notice by the applicant by Annexure A-16 order that the final seniority seniority list had been issued showing the applicant to be senior to respondent No.3, the official respondents had not cared to file any supplementary affidavit. They could then have pointed out that not only was the applicant senior to the third respondent but that there was one more person Prahlad Singh who was senior to both the applicant and the third respondent, and that, therefore, a direction could not be given exclusively in favour of the applicant but that it should be left open to the respondents to hold a proper selection.

8. In the circumstances, we find that no adequate ground has been adduced in justifying review of the ^{in order} earlier. We, therefore, find that this review application is not maintainable. Accordingly, it is dismissed.



(Smt. Lakshmi Swaminathan)
Member (J)



(N. V. Krishnan)
Acting Chairman

/as/