

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

R.A. NO. 5/95

in

O.A. 1083/93

with

M.As 7 and 8/95

New Delhi this the ²7th day of March, 1995.

Hon'ble Shri N.V. Krishnan, Vice-Chairman(A).

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Shri I.D. Gulati,
SFS-205, Phase-IV,
Ashok Vihar,
Delhi.

..Respondent/Applicant.

Versus

Union of India through

(1) The General Manager,
Northern Railway,
Baroda House,
New Delhi.

(2) The Chief Administrative Officer(Const.),
Northern Railway,
Kashmere Gate,
Delhi.

Applicants/Respondents.

By Advocate Shri P.S. Mahendru.

ORDER (By Circulation)

Hon'ble Shri N.V. Krishnan, Vice Chairman(A).

O.A. 1083/93 filed by Shri I.D. Gulati (hereinafter referred to as 'the applicant') was disposed of by our order dated 22.9.1994. The respondents therein, the General Manager, Northern Railway and the Chief Administrative Officer, Northern Railway (hereinafter referred to as 'respondents'), have filed this application seeking a review of that order. M.A.7/95 has been filed for stay of the order and M.A. 8/95 has been filed for condonation of delay.

2. We have seen the review application. We are satisfied that it can be disposed of by circulation.

3. In the view we are taking the delay is condoned and M.A. 8/95 is allowed.



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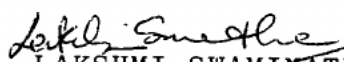
4. One ground raised is that the M.A. filed by the applicant for condonation of delay has not been considered before final orders are passed. The respondents are misinformed. We have held on 22.8.1994 that the O.A. was not barred by time and the M.A. was allowed.

5. The other ground is that the case of the applicant is different from the case of Bhatnagar and Balwant Singh. The applicant had already received the benefit of the judgement of the Tribunal in TA 319/85 and nothing remained to be done.

6. We do not find any error in this regard. In TA 319/85 there was only one order regarding refixation of seniority. That was not done in the case of Bhatnagar who then filed O.A. 918/89. In that case not only was the seniority directed to be fixed but an additional order was also passed that he should be granted arrears of pay from the date he ought to have been promoted as Assistant Superintendent (Works). This order was seized upon by Balwant Singh, an applicant in TA 319/95 and he, therefore, filed O.A. 833/89 claiming benefit from the date he was due for promotion and not from the date he was promoted. That prayer was allowed by the Tribunal. The present applicant claimed the benefit given to Bhatnagar and Balwant Singh in regard to the payment of arrears from the date he was due for promotion instead of from the date of promotion only. It is on this ground that the O.A. was allowed concerning that the applicant's case was similar to that of Bhatnagar and Balwant Singh. There is no error apparent

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on the record. R.A. is dismissed. M.A. 7/95 is also dismissed.


(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)


(N.V. KRISHNAN)
VICE-CHAIRMAN(A)

'SRD'