



**Central Administrative Tribunal  
Principal Bench, New Delhi**

**RA No. 66 of 2020 & MA No. 1592 of 2020  
In  
OA No. 4033 of 2015**

**This the 14<sup>th</sup> day of December, 2020**

(Through Video Conferencing)

**Hon'ble Mr. A. K. Bishnoi, Member (A)  
Hon'ble Mr. R.N. Singh, Member (J)**

1. Union of India,  
Through its Secretary,  
Ministry of Defence, Govt. of India,  
South Block, New Delhi.
2. The Director General  
Ordnance Factory Board,  
Ministry of Defence, Govt. of India,  
10-A, S. K. Bose Road, Kolkata,
3. The Principal Controller of Accounts (Fys),  
Ministry of Defence, Govt. of India,  
10-A, S. K. Bose Road, Kolkata,
4. The General Manager,  
Ordnance Factory,  
Raipur, Dehradun (UK)

.. Review Applicants

(through Advocate Mr. Piyush Gaur)

**Versus**

1. Mohammad Zahid Siddiqui  
S/o Sh. Mohd. Tahir Siddiqui  
Working as Welder Highly Skilled-I  
In Ordnance Factory, Dehradun  
R/o C-28/7, New Type-III, OFD Estate  
Raipur, Dehradun (UK) ... Respondent

(through Advocate Sh. Yogesh Sharma)



## **ORDER (Oral)**

**Hon'ble Mr. R. N. Singh, Member (J):**

### **MA 1592/2020**

By way of MA 1592 of 2020, the review applicants have sought condonation of delay of 62 days in filing of the aforesaid Review Application. Shri Gaur, learned counsel for the review applicants, submits that a certified copy of the Order/Judgment dated 11.12.2019 was received by the respondents in January 2020 and thereafter the opinion of the attending counsel was obtained by the review applicants and the matter was processed. After the matter on being processed in the offices of the review applicants at various stages, the competent authority came to the conclusion that the Review Application is required to be filed for seeking review of the Order/Judgment dated 11.12.2019 in the aforesaid OA.

2. For the reasons given therein in the MA and keeping in view the facts and circumstances, the MA is allowed and the delay in filing the aforesaid review application is condoned.

### **RA No.83/2020**

The present RA has been filed by the respondents in Original Application seeking review/recall of the order/judgement dated 11.12.2019 passed in the aforesaid OA.



2. The undisputed fact of the present case is that the applicant was promoted vide order dated 01.05.2005 from the post of Skilled Welder to Welder Highly Skilled Grade. The applicant was allowed to work by the respondents to such promotional post uninterrupted with all consequential benefits for more than 7 years. However, vide order dated 21.04.2012, the respondents have reverted the applicant from the sail promotional post without giving any show cause notice. Aggrieved by the order dated 21.01.2012, the applicant has approached this Tribunal by way of aforesaid OA. After hearing the learned counsels for the parties in OA, this Tribunal has passed the order/judgment dated 11.12.2019, paras 7 & 8 thereof read as under:-

*“7. From the above facts and from the facts ascertained at the time of hearing from the counsel for the respondents, it is crystal clear that the respondents have not given any option or opportunity to the applicant before passing the impugned order dated 21.07.2012. Therefore, we are of the view that the order dated 21.07.2012, passed without giving an opportunity of hearing to the applicant, is therefore, arbitrary and illegal. Consequently, the impugned order dated 21.07.2012 is set aside with respect to the applicant. The counsel for the respondents further submitted that Annexure A-2 order dated 01.07.2015 has been passed after considering the representation of the applicant. But, since the original order dated 21.07.2012 is passed without giving any opportunity to the applicant, subsequent order dated 01.07.2015 is also set aside.*

*8. In view of above, the respondents are directed to give an opportunity of hearing or option to the applicant with regard to their taking action on the basis of the above-said structuring or restructuring. Thereafter considering the representation submitted by the applicant, the respondents are at liberty to take action as per law within two months from the date of receipt of certified copy of this order.*

*There shall be no order as to costs.”*



3. Learned counsel for the review applicants argued that vide order dated 21.07.2012, impugned by the applicant in the aforesaid OA, they have revised the promotion of 67 persons and if the order dated 11.12.2019 is not reviewed, the same will lead a pandora box of avoidable litigations. However, he does not dispute that order dated 21.7.2012 was passed by the review applicants without issuing a show cause notice and without following the principles of natural justice. No other grounds requiring the review of the aforesaid Order/judgment dated 11.12.2019 has been argued.

4. We have considered the submissions made by the learned counsel for the review applicants and we have also perused the pleadings available on record as well as the Order/Judgment sought to be reviewed. In para 7 of the said Order/Judgment, it is clearly recorded by this Tribunal that the impugned order dated 21.7.2012 is set aside with respect to the applicant. Therefore, it is misconceived at the end of the review applicants that the Order/Judgment dated 11.12.2019 is likely to open a Pandora Box and avoidable litigations. Moreover, once it is admitted case that the impugned order dated 21.7.2012 passed by the review applicants in violation of principles of natural justice, we do not find any illegality in the Order/Judgment sought to be reviewed by the review applicants.



5. In view of the facts as noted herein above, we do not find any merit in the Review Application and the same is accordingly dismissed.

**(A. K. Bishnoi)**  
**Member (A)**

**(R. N. Singh)**  
**Member (J)**

*Ravi/uma/pinky*