

Central Administrative Tribunal  
Principal Bench: New Delhi

RA-395/92 in  
OA-112/87  
MP-941/93

Date of Order: 30.07.1993.

Shri R.K. Rastogi

...Petitioner

Versus

Union of India & Ors.

...Respondents

Coram:-

The Hon'ble Mr. Justice V.S. Malimath, Chairman  
The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the petitioner

Shri Ashish Kalia, Counsel.

For the respondent

Shri Gyan Prakash, Counsel.

**O R D E R**

This is an application for review of the judgement which we have rendered in OA-112/87 dated 5.11.1992. We have granted certain reliefs to the petitioner Shri J.K. Biswas in this case. In the R.A. filed before us Shri R.K. Rastogi, Respondent No.11 in OA-112/87 has pointed out that he has secured a judgement in his favour from the Allahabad Bench of the Central Administrative Tribunal in TA-138/87 dated 28.8.1992. The said decision of the Allahabad Bench was not brought to our notice when we disposed of OA-112/87, by anyone. There cannot be any doubt that the directions in the two judgements conflict with each other. On that question there is no dispute. The learned counsel appearing for Shri J.K. Biswas also did not dispute this position. However, he pointed out that it was the duty of the Union of India particularly, who was the party to both the proceedings, to bring it to the notice of the Tribunal

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when OA-112/87 was disposed of. Be that as it may, it is not right for us to maintain a situation of there being conflicting directions in regard to the same matter by two different judgements. On this short ground we are inclined to review our judgement.

2. The learned counsel apparing for Shri Biswas, however, submitted that the other private respondents in the OA have neither been impleaded as parties nor have they been served in the R.A. We do not consider this as an impediment in reviewing our judgement for the simple reason that all the directions which we have given in OA-112/87 are only in favour of Shri Biswas and not in favour of any other party. That being the position, it is enough before we review our judgement that we give an opportunity of showing cause to Shri Biswas. Non-impledment of the other party, therefore, would not come in the way of our disposing of the R.A. today.

3. For the reasons stated above, this R.A. is allowed and our judgement rendered in OA-112/87 on 5.11.1992 is hereby set aside and the O.A. is directed to be listed for final hearing after two weeks before an appropriate Bench of which neither of us is a party. The interim order granted during the pendency of OA-112/87 shall continue till the disposal of the case.

MP-941/93

As the petitioner in MP-941/93 is not before us today, it is dismissed.

  
(I.K. Rasgotra)  
Member(A)

  
(V.S. Malimath)  
Chairman

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