

Central Administrative Tribunal
Principal Bench, New Delhi

(D)

Regn. No. RA-13/89 in
OA-974/88

Date: 23rd February 1989

Shri Sunder Lal Applicant

Versus

Union of India & Ors. Respondents

For the Applicant Shri L.R. Luthra, Advocate

For the Respondents Shri N.S. Mehta, Advocate.

CORAM: Hon'ble Shri P.K. Kartha, Vice-Chairman(Judl.)
Hon'ble Shri P. Srinivasan, Administrative Member.

(Judgement of the Bench delivered by Hon'ble
Shri P. Srinivasan, Administrative Member)

By this review application, the applicant wants us
to review an order passed by us on 16.11.1988 in the Original
Application No.974/88. We extract below the order passed
by us on that date:-

"Heard. Admit. The respondents should file counter
affidavit within four weeks with a copy to the
learned counsel for the applicant who may file
rejoinder, if any, within two weeks thereafter.
List before the Joint Registrar on 8th February,
1989.

The prayer for interim relief is rejected."

2. The applicant points out that as on 16.11.1988,
the respondents had already filed their reply and the
applicants had filed their rejoinder and so the pleadings
were complete. We committed an error by directing the
respondents to file their counter-affidavit, and the
applicants to file rejoinder thereafter. On perusing
the record, we find that we did, indeed, commit a mistake
in this regard. We must, however, mention that we passed
the order on 16.11.1988 in open Court in the presence of
counsel for both sides and they did not draw our attention

P.S. - 10

....2...

to the mistake at the time. However, since there has been a mistake, we modify that order by deleting the following sentence therefrom:-

".....The respondents should file counter affidavit within four weeks with a copy to the learned counsel for the applicant who may file rejoinder, if any, within two weeks thereafter."

3. The applicant further points out that we committed a mistake in rejecting the prayer for the interim relief because interim relief by way of maintenance of the status quo had already been ordered by this Tribunal on 9.6.1988 and the same had been continued by orders passed from time to time later on. The applicant also points out that he had filed, along with his rejoinder, on 13.10.1988, a miscellaneous petition for amending and modifying the earlier order granting interim relief, but that M.P. not having been registered, we failed to pass any orders thereon on 16.11.1988, when the matter came up before us.

4. It is true that the M.P. filed by the applicant on 13.10.1988 has not been registered and given a number by the Registry probably because it was attached to the rejoinder filed by the applicant on the same date. Registry will now give a number to that miscellaneous petition. When the main application was filed, the applicant was working as a Head Clerk and he apprehended that as a result of the revision of the seniority list of Upper Division Clerks, which is impugned in the application, he would lose in seniority in that grade and would be reverted from the post of Head Clerk which he was then holding. It was in this context that the order to maintain status quo was passed on 9.6.1988, i.e., to restrain the respondents from reverting the applicant from the post of Head Clerk.

P. J. V.

12

In the Miscellaneous Petition under reference, the applicant wanted us to modify that order by saying that the respondents should not give effect to the impugned seniority list. A reading of the petition also shows that the applicant fears that he might be denied promotion to the next higher post of Office Superintendent from the post of Head Clerk because of the revision in the seniority list and that is what he wants to prevent by getting the earlier ad interim order modified. We see no reason to accede to this request. All that was meant, when the original status quo order was passed, was that the applicant should not be reverted from the post of Head Clerk. If we now accede to the request of the applicant that despite the revision of his seniority in the grade of Upper Division Clerk he should be promoted to the still higher post of Office Supdt., we would, in effect, be allowing the prayer in the main application challenging the revision of seniority. We do not consider it proper to do so. The original ad interim order passed on 9.6.1988 will continue in operation till further orders, viz., the applicant will not be reverted from the post of Head Clerk till the disposal of his application.

5. The review application is disposed of on the above terms.

P. Srinivasan
23/2/89
(P. Srinivasan)
Administrative Member

B. Kartha
(P. K. Kartha)
Vice-Chairman (Judl.)