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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO. 43/94 in
O.A. NO. 431/88

New Delhi this the 15th day of March, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Bhagwan Dass Suran S/O
Shri Gurbhaji,
R/O B-3-B/6-C, Janakpuri,
New Delhi - 110058. ... Petitioner

In Person

Versus

Delhi Administration & Anr. ... Respondents

O R D E R (ORAL)

Hon'ble Mr. Justice V. S. Malimath --

The grievance of the petitioner in this review application is that he had no opportunity of being heard in the case as he had no notice of the same. The petitioner was not represented by any counsel. When the case reached on 19.7.1993, as none appeared for the petitioner, it being an old matter of 1988 was disposed of on merits after considering the records and hearing the counsel for the respondents. It is the said order the review of which has been sought in this case.

2. The petitioner argued his case in person. We have said in our judgment that there are only two prayers made by the petitioner -- one for quashing the promotion of respondent No. 4 as Joint Director of Education, and the other for quashing the seniority

list dated 30.10.1987 and for a direction to prepare a fresh seniority list. So far as the second relief is concerned, we have noticed in our judgment dated 19.7.1993 that the seniority list challenged by the petitioner in this case had already been quashed by this Tribunal in O.A. No. 1862/87 and a direction had been issued to prepare a fresh seniority list. As the seniority list challenged by the petitioner had already been quashed in another proceeding, the question of quashing the quashed seniority list did not arise. The reliefs sought by the petitioner virtually stand granted by the order made in O.A. 1862/87.

The petitioner submits that in pursuance of the said direction fresh seniority list has been made and in that a mistake has been made in placing Shri R. S. Sisodia who joined in 1980, much later than the petitioner, above the petitioner. We are not concerned in this case with the validity of the fresh seniority list made or the correctness of the rankings assigned therein. That obviously gives rise to a fresh cause of action. The only relief is for quashing the seniority list dated 30.10.1987 and the same having already been quashed, the petitioner cannot make any grievance in this behalf in this review application.

3. The only other relief claimed by the petitioner is to quash the promotion given to Shri Sisodia as Joint Director of Education. We have noticed in our judgment dated 19.7.1993 that Shri Sisodia had since retired from service long back and that, therefore, the question of quashing his promotion would be only

of academic interest. So far as the petitioner himself is concerned, he has not made any prayer for a direction to consider his case for promotion on any particular date or as on the date on which Shri Sisodia was promoted. His claim was only for quashing the promotion of Shri Sisodia. That, as we have pointed out, is not necessary to do as Shri Sisodia has already retired from service. In this background it is not at all possible to grant any relief to the petitioner in these proceedings. Hence, we hold that there being no error apparent on the face of record, the question of reviewing our order dated 19.7.1993 does not arise.

4. What now holds the field is the fresh seniority list, according to the petitioner made in pursuance of the directions issued in O.A. 1862/87. We cannot go into the correctness of the rankings assigned in the fresh seniority list made after the petitioner filed the present application. If the petitioner has any right in this behalf, he can certainly workout the same in appropriate independent proceedings. Without prejudice to that right of the petitioner, this review application is dismissed.

S. R. Adige
(S. R. Adige)
Member (A)

V. S. Malimath
(V. S. Malimath)
Chairman

/as/