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Central Administrative Tribunal
Principal Bench, New Delhi.

R.A.152/94 In

O.A.1014/89

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

Shri B.S. Hegde, Member (J)

Dr. G.S. Sandhu,
R/o A-1/280, Janakpuri,
New Delhi & Ors.

Applicants

By Advocates: Shri M.L. Chawla &
Shri S.L. Lakhanpal.

Versus

1. Director General,
E.S.I. Corporation,
No.4, Kotla Road,
New Delhi.

2. Union of India through
the Secretary,
Ministry of Health & F.W.,
Nirman Bhavan,
New Delhi.

Respondents.

O R D E R

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

The applicant seeks a review of the order dated 8.3.1994, dismissing OA-1014/89 ex parte as the Counsel for neither the applicant nor the Respondents, was present on that day. It was held that the applicants were not entitled to the benefit of Rule 30 of the C.C.S.(Pension) Rules, 1972.

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



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3. It is stated that in regard to this very issue, the Govt. of India have already taken a decision which is contained in the O.M. dated 14.11.1991 of the Ministry of Health & Family Welfare (Annex.RA2). In this O.M., decisions were taken on the recommendations of the High Power Committee (Tikku Committee) and it was stated that amendments to the Central Health Service Rules, 1982 wherever needed consequent upon the decisions, would be issued in due course. Para.13 contains the following decision:-

"The benefit of added years of service available under Rule 30 of the Central Civil Services (Pension) Rules, 1972, shall be available for all the members of the Central Health Service."

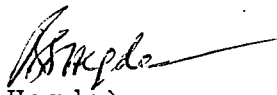
It is stated that the Counsel for the applicant, Shri V.P. Gupta, was absent on the relevant date and there was no notice of appearance to the applicant and hence, this could not be brought to the notice of the Tribunal. It is contended that this is an error apparent on the face of the record, to appreciate the factual and legal position.

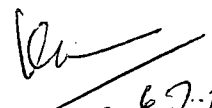
4. We are unable to agree. The hearing took place on 8.2.1984 as usual on the basis of the cause list which had already been published. This is a case where the applicant was represented by a Counsel. If the Counsel remained absent and the applicant has suffered damage on that account, it would not

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be a ground for a review. The applicant can take steps against the Counsel, if so advised.

5. That apart, the order of the Govt. of India being relied upon is dated 14.11.1991. The applicant had more than two years' time to bring this important document to the notice of the Tribunal. This document was not on record purely due to the laches on the part of the applicant. That is not a good ground for a review. Hence, the review application is dismissed.


(B.S. Hegde)
Member(J)


26.7.94
(N.V. Krishnan)
Vice-Chairman(A)

SLP