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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO. RA 69/91 in
OA 1125/89

DATE OF DECISION: 26.7.1991

CCP 73/91 in
OA 1125/89

Om Pal Singh

..... Applicant.

Versus

Union of India

..... Respondents.

CORAM: THE HON'BLE MR. JUSTICE AMITAV BANERJI, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Applicant

... Shri B.S. Mainee,
Counsel.

For the Respondents.

... Shri P.S. Mahendru,
Counsel.

O R D E R

(By Hon'ble Mr. I.K. Rasgotra,
Member)

Review Application No.69/91 has been filed by the petitioners, who are respondents in O.A. No. 1125/89, which was decided by the judgement of the Tribunal dated 4.9.1990. The said Review Application was filed on 31.12.1990, although the copy of the said judgement was despatched to the respondents on 19.9.1990 and the same is said to have been received by the respondents-Administration through its counsel on 5.11.1990. The Review Application, therefore, has been filed well after the period of 30 days allowed for filing such an Application under the Rule 17 of Central Administrative Tribunal(Procedure) Rules, 1987.

2. In the M.P. 1155/91 accompanying the above mentioned R.A., the learned counsel for the respondents-petitioners Shri P.S. Mahendru, has prayed that the delay in filing the

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R.A. referred to above may be condoned on the ground that the respondents-Administration initially intended to file an SLP before the Hon'ble Supreme Court against the judgement dated 4.9.1990, and accordingly the file of the case was sent to HQ office on 16.11.1990 to obtain approval of the Competent Authority for approaching the Supreme Court. However, after perusing the judgement of the Hon'ble Tribunal, the Competent Authority decided to file a Review Petition before the Tribunal. Thus, the delay was on account of the procedure that is required to be gone through in the office of the respondents.

3. Shri B.S. Mainee, Counsel for the applicant in O.A. No. 1125/89 has filed the reply in MP No. 1155/1991 taking the stand that the respondents (petitioners in M.P.) have been treating the matter as a routine one and that they have failed to show any regard to the order of the Tribunal. He also submitted that the delay of over three months in filing the R.A. has not been explained meticulously as is required to be done.

4. In the course of the hearing on date viz., 24.7.91, the learned counsel for the respondents-petitioner submitted that the review of the judgement has been sought by the respondents as it raised very important and complex issues in regard to the qualification of the Group 'D' employees for being promoted to Group 'C' posts and, therefore, in the interest of justice, it would be desirable to allow the M.P. and hear the case for the review of the judgement of the Tribunal on merits.

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5. We have considered the submissions of the learned counsel of both the parties in R.A. No.69/91, MP 1155/91 for condonation of delay in filing R.A.69/91 & CCP No.73/91 and gone through the entire record of the case very carefully but we fail to see any merit in the submissions of the respondents justifying condonation of delay for filing the Review Application. Accordingly, the said M.P. 1155/91 seeking condonation of delay in filing the Review Application and R.A. 69/91 are rejected.

6. As the disposal of the CCP 73/91 is linked with the disposal of RA 69/91 filed by the applicant in the main O.A. against non-implementation of the order of the Tribunal dated 4.9.1990, we are proceeding to dispose of the CCP also through this judgement. On perusal of the judgement, we find that the decision of the General Manager taken in the PNM meeting held on 7th and 8th May, 1987 had been extracted in the said judgement. The same is reproduced below:

"After discussing it was decided by the G.M. that all those staff who are working continuously as material checking clerk on ad hoc basis for the period of three years or more may be regularised on the basis of their service record and viva-voce duly observing the extent instructions on the subject as a special case not to be quoted as a precedent in future".

7. Our orders were passed in the context of the decision of the General Manager, in the following words:

"We are of the view that there cannot be a discrimination in the matter of implementation of the above order of the General Manager, Northern Railway. It had to be implemented in the case of all such clerks in the Ferozepur Division of the Northern

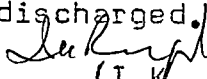
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Railway. We, therefore, conclude that the applicant is entitled to regularisation in service as Material Checking Clerk and he is also entitled to be assigned seniority taking into account his ad hoc service w.e.f. 20.5.1977.

We, therefore, allow this O.A. and direct the respondents to regularise the services of the applicant forthwith and assign him seniority taking into account the entire period of continuous officiation in service as Material Checking Clerk. There will be no order as to costs^m.

7. Reading the order of the Tribunal dated 4.9.1990 as an integrated whole, we do not find either any room for ambiguity or misinterpretation in the intent of the order of Tribunal. It is obvious from the order that the intention of the direction contained in the order dated 4.9.1990 is that the benefit of the order of the General Manager passed in the PNM meeting held on 7th and 8th May, 1987 shall also be extended to the applicant in O.A. No. 1125/89. Whatever procedure is followed in regularising the persons concerned by the G.M.'s decision in the PNM meeting shall equally apply to the applicant.

8. In the circumstances, we direct the respondents to implement the judgement dated 4.9.1990 within four weeks from the date of communication of this order. We further direct that they shall pay costs amounting to Rs.500/- to the applicant within the same period. Any delay in implementation of this order would render the respondents liable for the consequences. Notice of CCP is hereby

discharged.

(I.K. RASGOTRA)
MEMBER(A)
26/5/1991


(AMITAV BANERJI)
CHAIRMAN