

(27)

17

Central Administrative Tribunal  
Principal Bench, New Delhi.

RA-276/93  
MPs-2407, 2408/93  
OA-888/89

New Delhi this the 24th Day of March, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman  
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Sh. Charan Singh(III Party),  
Works Clerk, Grade-I,  
C/o Executive Engineer,  
Telecom Electrical Division No.1,  
19/20 Asaf Ali Road, Delhi.

Sh. Daya Chand,  
Works Clerk Grade-I,  
C/o Executive Engineer,  
MTNL(BD), Eastern Court,  
New Delhi.

Sh. Mohinder Kumar Gupta,  
Works Clerk Grade-II,  
C/o Asstt. Engineer (Civil),  
C/o Chief General Manager(NTR),  
Kidwai Bhawan,  
New Delhi.

Smt. Mathlida Kirketta,  
Works Clerk Grade-I,  
C/o Senior Architect(Co-ordination)  
7th Floor, Devika Tower,  
Nehru Place, New Delhi.

Review Applicants

(By advocate Ms. Asha Jain Madan)

versus

Union of India,  
through its Secretary,  
Ministry of Communications,  
Deptt. of Telecommunications,  
20, Ashoka Road,  
Sanchar Bhawan,  
New Delhi.

The Superintending Engineer(Telecom),  
Telecom Civil Circle,  
Curzon Road Barracks,  
New Delhi.

Respondents

(By advocate Sh. J.C. Madan, proxy counsel for  
Sh. P.H. Ramchandani, Sr.Counsel)

ORDER (ORAL)  
delivered by Hon'ble Mr. Justice S.K. Dhaon, V.C.

This is an application seeking the  
review of the order dated 31.8.1990 passed by

87

28  
X3

this Tribunal in O.A.No.888/89.

Admittedly, the applicants in this application were not parties in the said O.A.(OA-888/89). Their grievance is that directions given by the Tribunal in paragraph-12 of the judgement are being misinterpreted and mis-applied qua them; hence <sup>the</sup> a necessity of seeking a review of the judgement.

We have heard the learned counsel for the parties. According to the respondents, the applicants are confirmed as L.D.Cs. and they were promoted as U.D.Cs. on ad hoc basis. They are continuing to hold that post on ad hoc basis. According to the respondents, in view of the directions given by this Tribunal, the seniority list of 1988 has to <sup>be</sup> recast and in that process, possibly, the applicants may be slid down and, therefore, an occasion may arise to revert them from the post of U.D.Cs., even though they are working on that post on ad-hoc basis.

According to the applicants in this application, they are confirmed U.D.Cs. and this Tribunal could not intend to disturb their rights. In order to adjust equities between the parties, at this stage, and without entering into <sup>the</sup> controversy as to whether the applicants are confirmed U.D.Cs. or confirmed L.D.Cs., We direct the respondents not to revert the present applicants from the post of U.D.C. till regular appointments are made to this post. The learned counsel for the applicants points out at this stage, that the applicant No.4 stands regularly promoted to the post of U.D.C. and she has been given a higher promotion. We need not decide this question too. In order to safeguard the interest of the applicants,

83

we direct the respondents that they shall not revert them till the regular appointments are made to the posts of U.D.C. If and when regular appointments are made and if any of the four applicants is reverted, it will be open to him to take appropriate steps in appropriate forum to assert his case that he stands already confirmed as U.D.C. and, therefore, he cannot be reverted. We also make it clear that it will be open to the applicants to challenge the changes made in the seniority list of 1988 in pursuance of the order of this Tribunal dated 31.8.1990, if their interests are adversely affected. We also make it clear that this order will be confined to the present applicants.

With these directions, this review application is disposed of.

*B.N. Dhoundiyal*  
(B.N. DHOUNDIYAL)  
MEMBER (A)

*S.K. Dhaon*  
(S.K. DHAON)  
VICE CHAIRMAN

/vv/