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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA No.40/95 in OA No.2731/90

9.2.1995

MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
MR.B.K.SINGH, MEMBER(A)

Shri Bhim Singh
S/o Shri Lal Chand
R/o Village & Post Office
Dundahera,
Distt.Gurgaon.

Applicant

...

vs.

1. Union of India through
Secretary to Govt.of India
Ministry of Water Resources
Govt.of India, Sharm Shakti Bhavan
New Delhi.
2. Chairman,
Central Water Commission
Sewa Bhavan,
R.K.Puram
New Delhi-110066.
3. The Director(Admn.)
Central Water Commission
Sewa Bhavan
R.K.PURam,
New Delhi-110066.
4. Shri O.P.Ruhela
PIV/MS
Statistical Directorate
Central Water Commission
C.S.M.R.S. Haus Khas
New Delhi.

... Respondents

ORDER(IN CIRCULATION)

JUSTICE S.K.DHAON:

OA No.1710/90, OA No.2731/90 and CCP No.179/90
in OA No.1710/90 were disposed of by us by a common order.

2. OA No.2731/90 was filed by Shri Bhim Singh. This
OA was dismissed by us whereas OA No.1710/90 was allowed
and CCP No.179/90 was dismissed. This review application
has been filed by Shri Bhim Singh seeking the review of
our order.

3. The controversy pertained to the appointment to
a solitary post of Machine Supervisor, a promotional post.
On 24.11.1988, Sh.O.P.Ruhela (applicant in OA No.1710/90)
was promoted to the grade of Machine Supervisor on regular
basis " in the vacancy of Shri U.S.Bhatnager, proceeded
on deputation to Cabinet Secretariat, with immediate effect".
The appointment had taken place on the basis of the
recommendations of the Departmental Promotion Committee.

8/107

On 13.8.1990, an order was issued whereby Shri Bhim Singh (applicant in OA No.2731/90) was appointed as a regular Machine Supervisor on notional basis with effect from 24.11.88 and on actual basis with effect from the date of his taking over charge. He too was appointed on the basis of the recommendations of the Departmental Promotion Committee. It was made clear in the order appointing him that upon the repatriation of Shri U.S.Bhatnagar, who was on deputation with the Cabinet Secretariat, he(Sh.Bhim Singh) will stand reverted as PCV. By the same order, Shri Ruhela was reverted to his regular post of PCV from the date Shri Bhim Singh took over charge as Machine Supervisor. That order modified the earlier order dated 24.11.1988 issued in the case of Shri Ruhela.

4. Shri Ruhela felt aggrieved by his reversion by the order dated 13.8.1990 and, therefore, came to this Tribunal by means of OA No.1710/90. In that OA on 24.8.1990, an interim order was passed to the effect that the respondents were directed not to give effect to the order dated 13.8.1990. The said order continued to operate till the date of the order which is under review. In the Contempt Petition, the grievance of Shri Ruhela was that the interim order dated 24.8.1990 had not been given full effect. In view of the interim order passed in the OA filed by Sh.Ruhela, by the order dated 21.12.1990, he was re-appointed to officiate as a Machine Supervisor.

5. Shri Bhim Singh felt aggrieved by the order dated 21.12.1990 and, therefore, came to this Tribunal by means of OA No.2731/90. However, he was not granted any interim order.


6. In our order, we have taken the view that since the order dated 21.12.1990 had been passed re-appointing Shri Ruhela as a Machine Supervisor in pursuance of the interim order passed by this Tribunal and by the same order Shri Bhim Singh had been reverted, the order reverting Shri Bhim Singh was, in fact, passed as a sequel to the

interim order passed by this Tribunal. We also noted the fact that Shri Bhim Singh did not make any attempt whatsoever to get ^{us} ~~an~~ interim order passed in the OA filed by Shri Ruhela either modified or vacated. We quashed the order reverting Shri Ruhela. Consequently, we dismissed the OA filed by Shri Bhim Singh.

7. In this review application, no complaint has been made of the order passed by us quashing the order of reversion passed against Shri Ruhela. An attempt has been made to demonstrate that Shri Bhim Singh acquired some sort of right to continue in the post of Machine Supervisor and this Tribunal committed an error apparent on the face of the record in overlooking that aspect of the matter. Surely, the respondents could not be and cannot be expected to accommodate both Shri Ruhela and Shri Bhim Singh in post of Machine Supervisor, which as already stated, is a solitary post. So long as the order passed by us allowing the O.A of Shri Ruhela remains intact, no relief can be granted to Shri Bhim Singh. No infirmity has been pointed out in the part of the review application in that/ order in which we quashed the order of reversion of Shri Ruhela.

8. We are satisfied that we did not commit any error much less an error apparent on the face of the record so as to attract the provisions of Order 47 Rule 1, CPC wherein our powers to review our orders are circumscribed.

9. This application is dismissed summarily.


(B.K. SINGH)
MEMBER(A)

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(S.K. DHARON)
VICE-CHAIRMAN(J)