

Central Administrative Tribunal  
Principal Bench

RA 68/98 in  
OA 294/90

New Delhi this the 8th day of May, 1998

**Hon'ble Smt. Lakshmi Swaminathan, Member(J).**

**Hon'ble Shri R.K. Ahooja, Member(A).**

Union of India through

1. The Secretary,  
Ministry of Defence, Delhi.
2. Chairman/Director General,  
Ordnance Factory Board,  
Calcutta.
3. General Manager Ordnance  
Factory, Dehradun. ....Review Applicants.

By Advocate Shri V.S.R. Krishna.

## Versus

R.H. Singh,  
S/o Shri V.B. Singh,  
Assistant Foreman, Ordnance  
Factory, Dehradun. .... Respondent/Applicant.

### Q U I C K E P P E R (Q. 1) O R D E R (Oral)

Hon'ble Shri R.K. Ahooja, Member(A).

The petitioners - Union of India seek a review of the order of this Tribunal in O.A. 294/90. The applicant in that O.A. Shri R.H. Singh, who was working as Chargeman Grade-I was aggrieved by the fact that his juniors were promoted as Assistant Foremen while he had been left out. The respondents in their reply had contended that the promotion of his two juniors mentioned in the O.A., namely, S/Shri S.D. Biswas and N.K. Katawar was made on the basis of the directions given by the Bombay Bench in which the applicant was not a party and, therefore,

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he was not entitled to get the consequential benefits. The Tribunal in the impugned order dated 16.9.1997 has held that the claim of the applicant for promotion with effect from the date his juniors were promoted was justified and on that basis allowed his application.

The relevant portion of the order of the Tribunal reads as follows:

"The application is disposed of with a direction to the respondents to consider the applicant and promote him to the post of Assistant Foreman w.e.f. the date when his juniors S/Shri Biswas and Katwar were promoted.

5. Learned counsel for the applicant has stressed that direction should also be given to the respondents to give all consequential benefits including arrears of pay and allowance. We note that this application has been filed in 1990. The orders in respect of S/Shri Biswas and Katwar were issued in 1989. In view of this, the applicant would be entitled to the similar benefits".

2. The petitioners submit that there is an error patent on the face of the record inasmuch as the Tribunal failed to appreciate that the promotions of S/Shri Biswas and Katwar, junior to the applicant, were made in pursuance of the directions of the Bombay Bench of the Tribunal and on that basis the applicant could not have claimed relief; the proper course for him was to seek a modification of the judgement of the Bombay Bench; secondly, the petitioners state that the Full Bench of this Tribunal in its judgement in O.A. 2601/94 and connected O.As

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which led to the framing of the final seniority list, gave no directions as to the consequential benefits. On the other hand, in the present case contrary to the conclusion of the Full Bench the Division Bench of the Tribunal has granted consequential benefits to the applicant in the impugned order.

3. We have heard Shri V.S.R. Krishna, learned counsel and have also carefully considered the submissions. The learned counsel vehemently argued that the Full Bench judgement which is the basis of the final seniority list had specifically directed that no recoveries should be made from those who were liable to be reverted because of their non-grading in the final seniority list. He has submitted that the necessary implication of this direction is that no payments would be made to those who would get notional promotion and seniority on the basis of the revision of the seniority list. We find this to be argumentative and <sup>the same does not</sup> ~~therefore~~ come within the provisions of Order 47 Rule 1 CPC read with Section 22(3) of the Administrative Tribunals Act, 1985. As far as the other point is concerned, nothing was mentioned during the hearing of the O.A. regarding the arguments advanced now. We accordingly find that the present RA is not maintainable and it is rejected.

*On regarding this seniority*

  
(R.K. Ahooja)  
Member (A)

  
(Smt. Lakshmi Swaminathan)  
Member (J)