

(17) 5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

R.A. No. 91/95 in  
OA No. 613/90

New Delhi, dated the 26th May, 1995

Hon'ble Shri S.R. Adige, Member (A)  
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri B.R. Dhiman  
S/o Shri Labhu Ram,  
R/o 3/11732, Sat Nagar,  
Karol Bagh,  
New Delhi.

... Review Applicant.

(Present in person)

Vs.

1. Delhi Administration, through  
the Lt. Governor, Raj Niwas, Delhi.
2. The Director,  
Directorate of Technical Education,  
Rouse Avenue, New Delhi.
3. The Principal,  
Pusa Polytechnique,  
New Delhi.

... Respondents

(By D.R. Shri Dharendra Kumar with  
Shri Surat Singh, Advocate)

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Member (A))

This is a Review Application bearing  
No. 91/95 filed by Shri B.R. Dhiman praying for review  
of judgment dated 25.10.1995 in OA No. 613/90-B.R. Dhiman  
v. Delhi Admn. & others.

2. In that O.A., <sup>the</sup> applicant, who was working  
as a Workshop Instructor in Pusa Polytechnic, had  
prayed for selection grade w.e.f. 1980 with all  
consequential benefits. None had appeared for the  
applicant, when the O.A. was heard on 25.10.1994.  
On that date, the respondents counsel, Mrs. Avnish

Ahlawat was present and was heard. Thereafter, upon perusing the materials on record, the Tribunal by the impugned judgment, held that the applicant had not made out a case to interfere in the matter and the OA was accordingly dismissed.

3. Applicant has now pressed R.A. bearing No.91/95. He appeared in person and was heard. On behalf of respondents, Shri Dharendra Kumar, Superintending (Litigation) Departmental representative alongwith Shri Surat Singh, respondent counsel were present and heard.

4. During the course of hearing, our attention was drawn to paragraph 3(ii) of the reply to the R.A. filed by the respondents, and earlier order of the Tribunal dated 12.9.91 in TA No. 8/94/95-Umed Singh v. Delhi Administration and others, in accordance with which, the seniority was modified. The applicant, therefore, accepted before us that the seniority list, as modified by the Tribunals' order dated 12.9.91 was correct and he had no grievance with the same. Consequent to the revision of the seniority list, S/Shri Swami Nathan and Swarn Singh, who earlier were senior to applicant, had now become junior not only to the applicant himself, but to various others. Respondents have averred in their reply, that they have taken up the matter of stepping up of pay of all those senior to S/Shri Swaminathan and Swarn Singh etc. with Department of Education, Ministry of Human Resources and Development Govt. of India, New Delhi. In this connection, our attention was invited to the letters dated 4.10.1994 and 23.11.1994 sent by Directorate of Training and Technical Education, Delhi Administration who are the respondents before us addressed to Ministry of Human

Resources and Development, Govt. of India, New Delhi

We note however that the Ministry of Human Resources and Development, Govt. of India has not been impleaded as a party in either the OA or the RA.

5. Applicant Shri Dhiman stated before us that he would not press <sup>the</sup> the RA, if his pay <sup>and his</sup> ~~was~~ <sup>allowances were</sup> stepped up to the level drawn by S/Shri Swami Nathan and Swarn Singh, in accordance with the respondents own averment, as contained in their reply.

6. We note that the applicant has retired from service on 31.1.1993.

7. In view of the fact, that applicant has stated before us that what he actually/ <sup>seeks is</sup> the stepping up of his pay on par with that of S/Shri Swaminathan and Swarn Singh, and the consequent benefits following thereon, and as the respondents themselves appear to have taken the matter in hand and are pursuing the same with the Govt. of India, we do not consider <sup>it is</sup> necessary to keep this RA pending. We dispose of the same with a direction to the respondents to pursue the matter actively with <sup>the</sup> Ministry of Human Resources and Development, Govt. of India and take necessary steps to ensure that a decision in this regard is obtained within two months from the date of receipt of a copy of this order. This R.A. is disposed of accordingly. No costs.

*Lakshmi Swaminathan*  
(Lakshmi Swaminathan)  
Member (J)

*S.R. Adige*  
(S.R. Adige)  
Member (A)

sk