

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. No.105/99 IN
M.A. No.2394/98
C.P. No.320/93
O.A. No.823/90

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Hon'ble Shri Justice V. Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

New Delhi, the 14th January, 2000

Dr. Dhum Singh ...Applicant
(In person)

Versus

Mr. M.N. Vohra & Others ...Respondents
(By Advocate: Shri R.N. Singh
proxy of Shri R.V.Sinha)

O R D E R

Hon'ble Smt. Shanta Shastry, Member(A)

This is a review application in M.A. No.2394/98 in C.P. No.320/93 and O.A. No.823/90. The applicant in this R.A. is the original applicant in O.A. No.823/90 as well as M.A. No.2394/98 which were disposed of earlier by the judgements of this Tribunal dated 24.2.1999 and 14.12.1990 respectively.

2. The applicant had filed the M.A. No.2394/98 to direct the respondents to reencadre the post of Dairy and Agricultural Chemist in the D.R.D.S. as Scientist 'C' with effect from 18.5.1988. While disposing of the M.A. it was observed ^{by this Tribunal} that the applicant had been promoted through DPC and the case of the applicant had been considered by the respondents as stated by the learned counsel for the respondents earlier. The respondents had also shown a communication received by them from the department stating that in pursuance of this Tribunal's directions the case of the applicant was examined for

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reencadrement but the competent authority has rejected the proposal. The Tribunal held that since the respondents had complied with the direction of the Tribunal to consider the reencadrement of the post of DAC the applicant cannot claim any relief in this regard. The M.A. was, therefore, dismissed.

3. Now the applicant has again approached through this R.A. with a prayer to review the judgement passed in M.A. No.2394/98 and direct the respondents for consideration of reencadrement of the post of Dairy & Agricultural Chemist, Military Farms School & Centre alongwith applicant who is Research Scientist 'C' with effect from 18.5.1988 in accordance with law through a detailed, reasoned and speaking order of the competent authority. It is the contention of the applicant that the written communication sent by respondents to the applicant ex-facie shows that the request of the applicant which was addressed to Secretary to Govt. of India, Ministry of Defence has been turned down by DRDO and as such the matter of the applicant has not been placed before the competent authority. Therefore on the ground that the application of the applicant for reencadrement of his post has been turned down by a subordinate authority of the competent authority, the applicant wants the review of the judgement in the M.A. No.2394/98.

4. We have heard the counsel for the applicant as well as the respondents. The learned counsel for the respondents maintains that the letter dated 28th July,

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1998 from the DRDO was issued with the approval of the competent authority. The decision was taken at the level of the DRDO.

5. The learned counsel for the respondents was asked to make available the relevant papers including the notings in this matter to enable us to verify whether the decision for not reencadering the post was taken at the level of the competent authority. Accordingly, the learned counsel for the respondents has made available the relevant notings on the file concerning the proposal of reencadering of the post of Dairy & Agricultural Chemist.

6. We have perused the relevant notings and find that the decision of not reencadering the said post in the DRDS was taken with the approval of the Director of Personnel in the DRDO on 25.9/1998. It does not appear to have been put up to the Secretary in the Ministry of Defence. We find from other relevant papers made available by the respondents that the earlier decision to decadre the post of Dairy and Agricultural Chemist (DAC for shrot) was taken with the approval of the Chief Controller of R&D who used to be of the rank of Additional Secretary to Govt. of India. The post of CCR&D is now of the rank of Special Secretary to Govt. of India. We are, therefore, of the view that the repondents should have put up the proposal for reencadrement of the post to

the CCR&D for his approval as on the earlier occasion. We, therefore, allow the R.A. with a direction to the respondents to place the proposal for reencadrement of the post of DAC before the CCR&D for a final decision. This be done within a period of one month from the date of receipt of a copy of this order.

Shanta Shastry
(Smt. Shanta Shastry)
Member (A)

Rajagopala Reddy
(V. Rajagopala Reddy)
Vice Chairman (J)

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