

Central Administrative Tribunal
Principal Bench, New Delhi.

RA-224/94 in
OA-524/90

New Delhi this the 18th Day of July, 1994.

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

Shri Nand Lal Singh,
S/o Sh. Gian Chand,
R/o C-248, Delhi Admn. Flats,
Timarpur, Delhi-7.

Review Applicant

(By advocate Sh. B.S. Charya)

versus

1. Delhi Administration,
5, Alipur Road, Delhi.
(through its Chief Secretary)
2. The Chief Secretary,
Delhi Administration,
5, Sham Nath Marg, Delhi.
3. The Secretary (Services),
Delhi Administration,
5, Sham Nath Marg, Delhi.

Respondents

ORDER (by circulation)
delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

A common judgement was delivered on 8.4.94 by this Bench of the Tribunal in O.A. Nos. 60/88, 463/90, 524/90, 663/90, 1085/90 & 938/91. The Tribunal had followed the earlier judgement dated 21.12.92 in O.A.No. 1407/92 and O.A.No.1714/92 in the case of Sh. Suraj Mal & Ors. and Sh. Azad Singh Vs. Union of India & Ors. and reiterated the directions given in para-28 of that judgement. In this review application, it is contended that while giving the above judgement, the specific ground relating to maintenance of 40 point roster was not covered. The applicant claimed that he was selected

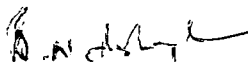
by direct recruitment in Grade-II DASS cadre after qualifying the written test held in October/November, 1973. ^{Had} the authorities adhered to 40 point roster, he would have been appointed from an earlier date i.e. 8.2.1974 instead of 16.5.1974. Similarly, non-observance of 40 point roster denied him a place in the list of Grade-II (Ministerial) prepared for the reserved candidates. This has resulted in his delayed promotion to Grade-I in DASS cadre. In the written statement filed on behalf of the respondents on 6.4.90, it has been categorically stated that all provisions regarding reservation of posts for SC/ST were strictly followed. It is stated that as per 40 point roster, the applicant was nominated for appointment vide order dated 4.5.1974 and he was placed at Serial No.1579 in the integrated seniority list. A seniority list of Grade-II (Ministerial) cadre was also prepared and the applicant was appointed to Grade-I (Ministerial) cadre on ad hoc basis vide order dated 13.10.1983.

In para-7 of the aforesaid judgement, a mention has been made that it was agreed that as the transfer orders integrated seniority lists and promotions were dependent on the validity of 1989 amendment of Rule,26, this was the main issue for adjudication. In the penultimate para of the judgement, while reiterating the directions given in para-28 of the judgement dated 21.12.92 in the case of Sh. Suraj Mal & Ors., this Bench had noted that the matter is likely to come up before the Supreme Court in SLP and that the respondents shall have to review the transfer, promotion and other incidental orders in the light of the final outcome

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of these cases. It was clearly mentioned that this Bench was refraining from passing any order on other reliefs claimed in these applications.

In view of the above clarifications, the review application is hereby dismissed.


(B. N. DHOUNDIYAL)
MEMBER (A)


(S. K. DHAON)
ACTING CHAIRMAN

/vv/