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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA.11/94 in OA 3035/91

New Delhi, dated this the 10th of May, 1994.

Shri N.V. KRISHNAN, Vice Chairman 'A'

Shri C.J. ROY, Member 'J'

Shri Kripa Shankar,
S/o Shri Jag Dev Prasad,
aged 44 years,
Presently working as
Assistant Director 'Horticulture',
in C.P.W.D.
R/o Pocket K/107 F,
Sheikh Sarai Phase-II,
New Delhi 110 017.

...Applicant

versus

Union of India through

1. Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.
2. Director General 'Works,
Central Public Works Department,
Nirman Bhawan, New Delhi.
3. Secretary,
Ministry of Personnel,
Public Grievances and Pensions,
North Block, New Delhi.
4. Shri K.S. Nagar,
Assistant Director of Horticulture,
North Division, C.P.W.D.,
I.P. Bhawan,
I.P. Estate, New Delhi

...Respondents

...(Review Applicant) 9

Shri M.K. Gupta, counsel for the review applicant.

Shri Sohan Lal, counsel for the original applicant
'respondents in the RA'

Shri M.L. Verma, counsel for the respondents in the
main OA.

O R D E R 'oral'

By Shri N.V. Krishnan

OA 3035/91 was disposed of by the judgement of
this Tribunal dated 2.12.92 'Annexure R-1'. This
review application has been filed by the fourth
respondent in the OA 'Shri K.S. Nagar, Assistant
Director of Horticulture, hereinafter referred to

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as the review applicant. The Tribunal adverted to the Review DPC proceedings held for the year 1988 and observed that the proceedings cannot be held to be illegal. However, in so far as the relative seniority of the applicant vis-a-vis the review applicant is concerned, Government was directed to restore the original seniority of the applicant vis-a-vis the review applicant in the seniority list of 1.1.1989. This was done because the seniority of the applicant was revised to his detriment without notice and the department did not give him a proper reply to his representations asking for reasons. Therefore, the impugned seniority as on 1.1.90 as regards the applicant and the review applicant No.4 was quashed and the applicant was placed above the review applicant. At the same time, the Tribunal held that their decision did not preclude the Department from rectifying any wrong order of seniority after following the principles of natural justice.

2. The main ground in the RA is that in the judgement it is stated that a copy of the reply dated 8.6.90 given to the applicant was not on record. That letter is now produced in the review application as Annexure ^a R-2. It is, therefore, contended that this is a new evidence and on this ground the earlier judgement should be reviewed and the case should be reheard.

3. We have heard the other counsel also.

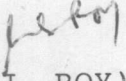
4. We find that the Annexure R-2 that has now been produced will not make any difference to the review application because, the Bench held that even subsequent to the receipt of the memorandum dated 8.6.90, ^(i.e. R2) the original applicant sought clarification

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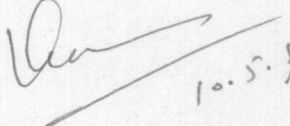
which was not given. That is the ground on which the Tribunal passed the order.

5. The learned counsel for the review applicant also produced for our perusal, a memorandum dated 7.7.93 issued by the Department to the applicant asking him to furnish his objections, if any, to the proposed change of seniority, on the basis of the review DPC. In other words, it appears that as permitted by the Tribunal, the Department are taking steps to again change the seniority position of the applicant in the OA vis-a-vis respondents in the RA.

6. In this view of the matter, we do not find any substance in the review application. The RA is accordingly dismissed.


'C.J. ROY'
MEMBER 'J'
10.5.94

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'N.V. KRISHNAN'
VICE CHAIRMAN 'A'
10.5.94