

(98)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA.39 of 1998
in
OA.No.1211 of 1991
MA.446/98

New Delhi, this 24th day of May, 1999.

HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)
HON'BLE SHRI T.N. BHATT, MEMBER(J)

Secretary
Union Public Service Commission
Shahjahan Road
New Delhi.

... Applicant in RA
(Respondent No.2 in OA)

By Advocate: Shri N.S. Mehta

versus

1. Shri Tarsem Lal Verma
S/o Shri Madan Lal
LIG Flat No.1116-C
Motia Khan, Paharganj
New Delhi-110055.
2. Secretary
Ministry of Defence
South Block
New Delhi.
3. Shri Suresh Chandra, CAO & JS(Ad.)
C-II Hutmants, Dalhosi Road
Ministry of Defence
New Delhi.
4. Joint Secretary (I&M)
Ministry of Defence
South Block
New Delhi.
5. Shri P. Anantakrishnan
Deputy CAO(P)
Ministry of Defence
C-II Hutmants, Dalhosi Road
New Delhi.
6. Shri V.K. Thakur
Deputy CAO(P)
Liaision Officer for SC/ST Cell
C-II Hutmants, Ministry of Defence
Dalhosi Road
New Delhi.
7. Shri S.K. Sharma
Director, AFFPO
H Block, Ministry of Defence
New Delhi.

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8. Shri G.D. Singh
Deputy Director, AFFPO
H Block, Ministry of Defence
New Delhi.

9. Shri Prem Prakash
PA, AFFPO
H Block, Ministry of Defence
New Delhi.

10. Addl. Secretary(A)
Ministry of Defence
South Block
New Delhi.

... Respondents in RA

By Advocate: None

O R D E R (ORAL)

HON'BLE SHRI K. MUTHUKUMAR, M(A)

We have heard Shri N.S. Mehta, learned counsel for the review applicant.

2. There is an application for condonation of delay MA.446/98 in filing the RA. After hearing the learned counsel, we are satisfied that there is sufficient ground for the delay. Accordingly, delay in filing the RA is condoned.

3. The prayer in the RA is that respondent-2 in the OA, viz. UPSC (present applicant in RA) burdened with the cost as they have no role to play in the dispute between the parties.

3. We find that the applicant (in OA) has been ordered to be re-instated in the OA by Respondent 1 & 3 and it was also directed that the full back wages may be paid. Except the fact that the initial appointment was made on the recommendations of the UPSC, we are satisfied that the UPSC has no role to play and, therefore, should not have been burdened with the costs.

4. In any case, a plain reading of order of the Tribunal suggests that the petitioner is entitled to exemplary cost of Rs.5000/- from respondents. Inclusion of respondent-2 separately may not be necessary in the facts and circumstances of the case.

5. Accordingly, the RA is allowed and the direction contained in sub-para 4 of para-17 of order dated 3.10.97 in OA.1211/91 is modified to the following extent:-

"The petitioner is also entitled to exemplary cost of Rs.5000/- from respondents 1 & 4 together."

6. RA.39/98 and MA.446/98 in OA.1211/91 are disposed of as above.

24.2.99.
(T.N. Bhat)
Member(J)

24.2.99.
(K. Muthukumar)
Member(A)

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