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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

R.A. NO. 228/1995

in

O.A. NO. 279/1991

New Delhi this the 20<sup>th</sup> day of January, 1996.

HON'BLE SHRI N. V. KRISHNAN, ACTING CHAIRMAN  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Jawahar Lal Batra

... Applicant

-Versus-

Union of India & Ors.

... Respondents

( By Shri M. M. Sudan, Advocate )

O R D E R (By circulation)

Shri N. V. Krishnan, Acting Chairman -

O.A. No. 279/1991 was disposed of by our order dated 24.5.1995 granting relief to the applicant. The respondents therein have filed this review application seeking a review of that order. We have seen the application. We are satisfied that it can be disposed of by circulation and we proceed to do so.

2. The review applicants, who, for the sake of convenience are referred to as the respondents hereinafter, have stated that there is an error apparent on record in para 12 of our order wherein we held as follows :-

"In the first place, the declaration given by the applicant, which has been produced as Annexure R-3 nowhere states that the applicant was ready to go to Haryana Circle as a LDC with bottom seniority. The declaration is strictly in terms of Rule 38 without any reference to the Annexure-I letter. It would appear that the Annexure-I letter was not even brought to the notice of the applicant and persons like him seeking transfer. We, therefore, find there is nothing in the declaration to justify the action of the respondents."

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3. Our attention is drawn to the letter submitted by the applicant. The applicant submitted an application which was Annexure R-3 to the counter affidavit in the O.A. In that letter he has clearly referred to the letter dated 12.8.1987 which is the Annexure A-1 to the O.A. In our view, the respondents have misunderstood the expression of views reproduced above. <sup>When</sup> we were referred to the declaration given by the applicant and found that the applicant had nowhere stated that he was ready to go to Haryana Circle as a LDC with bottom seniority, we had in mind the declaration enclosed to his letter which was filed as Annexure R-3 by the respondents and which is at page 61 of the paperbook. That states that it is a declaration under Rule 38 of the P & T Manual, Volume-IV. In this declaration there is no mention that he was prepared to go to Haryana Circle as a LDC with bottom seniority. Therefore, we held, "that declaration is strictly in terms of Rule 38 without any reference to Annexure-1 letter." However, our observation that the Annexure-1 letter was not even brought to the notice of the applicant is incorrect as now pointed out by the respondents. This does not affect the validity of our conclusions because that is rested on entirely different considerations.

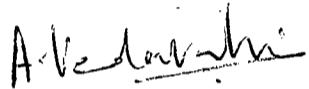
4. Our conclusions are based on the interpretation of the Annexure-1 letter dated 12.8.1987. We have considered the effect of the Annexure-1 letter in para 11 of the order and we have held that the stipulation made therein can only mean that the request for transfer of a UDC to

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another Circle would be allowed only after reversion as LDC and after such reversion he would be given priority over LDCs. We have held that in the LDCs cadre in Haryana Circle the applicant will have to be placed on the top of the gradation list and the seniority was first determined in that manner only.

5. In so far as this conclusion is concerned, the respondents have raised grounds which are not in the nature of errors apparent on the face of the record.

6. In the circumstance, we find no merit in the review application. It is accordingly dismissed.



( Dr. A. Vedavalli )  
Member (J)

  
20/1/95

( N. V. Krishnan )  
Acting Chairman

/as/