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Central Administrative Tribunal Principal Bench

R.A.No.49/2006

in

O.A.No.3069/2004

Hon'ble Shri Justice P. Shanmugam, Chairman

Hon'ble Shri N.D.Dayal, Member(A)

New Delhi, this the 6th day of March, 2007

Suresh Kumar & Another

.. Applicants

(By Advocate: Sh. S.K. Dass)

Vs.

Union of India & Others

.. Respondents

(By Advocate: Sh. K. R. Sachdeva, for Respondent No.1 and None for Respondents No.2 and 3.)

ORDER

By Justice P. Shanmugam, Chairman:

The above Review Application is filed by the applicants to review the order dated 05.01.2006 passed by this Tribunal in OA No.3069/2004.

2. We have heard the learned counsel appearing for both the parties and considered the matter carefully. This Tribunal in its order dated 05.01.2006 held that the applicant's service in ex-cadre posts cannot be counted for seniority purposes. It has been categorically held in Paragraph-14 as follows:

"14. We are of the considered opinion that applicants have been appointed as Departmental Candidates under Rule 7-A of ISS Rules. Rule 9-A(4) (i) specifically deals with the fixation of seniority of such officials and as such, the

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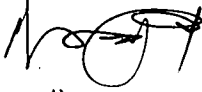
applicants are entitled for the seniority in accordance with extant rule position and not from the date of holding the ex-cadre posts."


3. The learned counsel for the applicants pressed into service a Judgement of the Hon'ble Punjab and Haryana High Court in the case of **GURNAM SINGH v. STATE OF PUNJAB & OTHERS**, reported in 1997(2) SLR 619 in support of his plea that the ratio laid down in the said Judgement was not referred and followed and, therefore, there is an error apparent on the face of the record. The said Judgement was dealing with a case of merger of cadres and it was held that persons from different services are sought to be integrated into any service, the past service rendered by them in their parent department has to be taken into account. It was also held that it is open to the department to evolve any other reasonable formula for determining the seniority of the applicant.

4. We are concerned with service rendered in an ex-cadre post.

5. For the above reasons, we do not find any merit in the submission that failure to take note of the said order is ex-facie erroneous. The scope of review is limited. We do not find any error or mistake apparent on the face of the record so as to warrant us to review the order.

The RA is accordingly dismissed.


(N.D. Dayal)
Member(A)


(P. Shanmugam)
Chairman

/Rao/