

21

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No. 11/95 in OA 3102/94-92

New Delhi, this 19th day of January, 1995

Hon'ble Shri Justice S.C. Mathur, Chairman
Hon'ble Shri P.T. Thiruvengadam, Member(A)

Shri K.P. Dohare
B.2/63, Paschim Vihar
New Delhi-110 063

.. Applicant

VERSUS

1. Union of India, through
Secretary (TD) & DG(TD)
Ministry of Industry
Bhawan, New Delhi
 2. Secretary
Ministry of Industry
Udyog Bhawan
New Delhi
 3. Shri P.R. Latey)
 4. Shri N. Biswas)
 5. Shri N.G. Basak)
 6. Shri M.P. Singh)
 7. Shri C.D. Anand) Through Secretary
 8. Shri D.K. Aggarwal) Ministry of Industry
 9. Shri M.S. Grover) Udyog Bhawan
 10. Shri A.K. Das) New Delhi
 11. Shri R.S. Ghosh)
 12. Shri B. Minj)
 13. Shri O.P. Saxena)
 14. Shri J.M. Garg)
 15. Shri Jasbir Singh)
 16. Shri Nyaz Rasul) *Nayaz*
 17. Shri N.K. Aggarwal)
- .. Respondents

ORDER (by circulation)

Shri P.T. Thiruvengadam, Member(A)

This review application has been filed with a prayer to review the order passed on 8.11.94 in OA 3102/92.

2. The applicant has already retired on 31.7.90 from the post of Additional Industrial Adviser. The post of Additional Industrial Adviser is a post filled by promotion of officers in the grade of Development Officer.

3. We had noted in our order dated 8.11.94 that certain Development Officers aggrieved by the seniority assigned to them had filed applications before this Tribunal. The applicant in this RA was a party to these proceedings. While disposing of these OAs, this Tribunal passed order on 31.10.90 directing the recasting of/issue of fresh seniority list of Development Officers. Consequential benefits were awarded to the applicants. In pursuance of this order, there were changes in the seniority list and a review DPC had to be held on 1.7.92 and 2.7.92 for reviewing the promotions to the post of Additional Industrial Adviser. The applicant who had already been empanelled in the earlier DPC of 1989 did not figure in the list made out by the review DPC in 1992. But there has been no follow up action by way of reversion etc.

4. We had also noted that in the meantime orders of this Tribunal regarding revision in seniority list etc. have been challenged before their Lordships of the Hon'ble Supreme Court who are seized of the matter. The apex court has passed interim order directing that no reversion shall be effected on the basis of the Tribunal's judgement. In the circumstances, we held that the OA 3102/92 had been filed prematurely, as the respondents had not taken a decision to revert the applicant from the post of Additional Industrial Advisor. We had given liberty to the applicant to approach this Tribunal in case an order of reversion is actually passed.

5. This review application has been filed by reagitating the same issues raised in the main OA. We had not foreclosed the applicants' right to challenge the order of reversion if any at an appropriate stage. The right of the applicant has in no way been prejudiced by our order dated 8.11.90. Since the basic issue is under consideration of the Hon'ble Supreme Court, we do not consider it necessary to entertain this review petition.

6. Accordingly, the review petition is dismissed. No costs.

P. J. Thiruvengadam

(P.T. Thiruvengadam)
Member(A)

S. C. Mathur

(S.C. Mathur)
Chairman

/tvq/