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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

NEW DELHI

R.A. No. 345 of 1994 in CP No. 99 of 1994.
in

O.A. No. 2019/92

New Delhi, this the 2nd day of November, 1994.

Hon'ble Mr Justice S.K.Dhaon, Vice Chairman

Hon'ble Mr B.N.Dhoudiyal, Member(A).

Raj Kumar
R/O A/1/12, Netaji Subhash Marg,
East Barpur, Shahdara,
Delhi-32. Petitioner.

vs.

1. Shri Masihuzzama,
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Shri Budhprakash,
Chief Engineer(C)
Northern Railway,
Kashmiri Gate, Delhi.
3. Shri K.K.Gupta,
Deputy Chief Engineer(C)
Northern Railway,
Shivaji Bridge,
New Delhi. Respondents/contemners.

Order (by circulation)
(delivered by Hon'ble Mr B.N.Dhoudiyal, Member(A))

This Review Application has been filed by Shri Raj Kumar, a Material Checking Clerk in the Northern Railway. The applicant seeks a review of the order dated 12.07.1994 of this Tribunal in CP No.99/94 in OA No.2019 of 1992.

2. This Tribunal vide order dated 18-08-1993 in the aforementioned OA gave a direction to the respondents to determine the date of promotion of the applicant with reference to his junior, if any, of his juniors had been appointed as Material Checking Clerk on adhoc basis. In the contempt petition, it was alleged that these directions have remained uncomplied with.

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3. The main contention in the review application is that this Tribunal has been misled by the respondents and apart from Mohd. Rehman there were other juniors also namely Pradeep Kumar, and Ramanand, Arvind Kumar, Harzi Ram & Nanda Ballabha, who were promoted on adhoc basis after 22.06.1993. Apart from Mohd. Rehman, Amreek Singh and Ashok Kumar were also working. The implications are that the directions of this Tribunal have in fact been observed only in breach.

4. A perusal of O.A. No. 2019/92 shows that at that time only three persons, namely, Ashok Kumar, Amrik Singh and Mohd. Rehman were impleaded as respondents. It was clarified by the respondents in their reply to the contempt petition that Ashok Kumar and Amrik Singh were continuing to officiate as MCC on the basis of the stay granted on 9.9.1990 in OA No. 1809/90. They have also clarified that Mohd. Rehman was promoted as Receipt and despatch Clerk and not as M.C. Clerk on adhoc basis and that too much after the applicant's initial adhoc promotion on 6.12.1989. This position was known to the Tribunal who reached the conclusion that there was no wilful disobedience of the directions. As regards other persons, namely, Pradeep Kumar, Rama Nand, Arvind Kumar, Harzi Ram and Nanda Ballabh, the applicant himself has stated that they were appointed after 22.06.1993.

5. We are satisfied that the respondents have not wilfully disobeyed the directions given by this Tribunal. There is no merit in this review application and it is hereby dismissed.

B.N. Dhoundiyal
(B.N. Dhoundiyal)
Member(A)

S.K. Dhaon
(S.K. Dhaon)
Vice Chairman.