

BY CIRCULATION

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

DATED: THIS THE 24th DAY OF OCTOBER 1997

Coram : Hon'ble Mr. Justice B.C. Saksena VC
Hon'ble Mr. S. Das Gupta AM
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REVIEW APPLICATION NO. 96/97

on behalf of O.Ps no. 6, 8, 9, 13, 15, 16, 20, 21, 25, 26 & 30
IN O.A. 982/96 APPLICANTS

INDRA SINGH - - - - - Applicant
Divl. Forest Officer,
Forest Division Mahoba

Versus

Union of India and others - - - - - Respondents

ORDER

By Hon'ble Mr. S. Das Gupta AM

In the aforesaid O.A. the grievance of the applicant was that the Official respondents had held a D.P.C. by clubbing the vacancies of several years instead of preparing separate select list year-wise. The applicant's contention was accepted and the O.A. was decided by the impugned order dated 10.9.1997 with the direction to the respondents to prepare year-wise select list.

2. The private respondents in the aforesaid OA were represented by Sri Sudhir Agrawal. During the course of argument, the learned counsel, while supporting the stand point of the applicant that separate yearwise select list should be prepared, contended that infact the seniority should also be given retrospectively from the year in which the candidates were selected. This contention was noted by the bench

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deciding the O.A. and an observation was made in para 30 of the order in this regard which is reproduced below :-

" This is, however, not to suggest that officers who are included in the yearwise Select list are to be given promotion retrospectively from the year in which they are selected. This was the proposition advanced by the learned counsel for private respondents and we reject the same in the absence of any supporting rule or case law. "

3. The present review application has been filed by Sri Sudhir Agrawal on behalf of private respondents of the aforesaid O.A. It has been submitted in the Review application that the learned counsel had pointed out that the question of granting retrospective seniority relating to the year of selection was the subject matter of a separate O.A. which had already been filed by the Review applicants. This O.A. bearing no. 1357/96 is still subjudice before this Tribunal. It has further been submitted in the Review application that as the matter is pending in the separate O.A. the learned counsel did not advance ~~the~~ argument in support of the claim for retrospective seniority while advancing arguments in O.A. no. 982/96 nor did he cite the relevant case laws in support of his contention. A further plea taken is that since this aspect was not one of the relief, claimed by the applicant in the O.A. 982/96, the ^{ing} bench decided ~~Z~~ the matter went beyond the scope of O.A. No. 982/96 in making the observations as aforesaid in para 30 of the order.

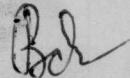
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4. We have carefully considered the submissions. We have noted that the various reliefs claimed by the applicant in O.A. 982/96 did not include the grant of retrospective seniority relating to the year of selection. The matter should, therefore be properly adjudicated in O.A.no.1357/96 still pending before the Tribunal.

5. Inview of the foregoing, we direct that the portion of para 30 of the impugned judgment ~~quashed~~ ^{notified} in para 2 above will stand deleted from the judgment and order dated 10.10.1997. The Review application stands disposed of accordingly.



A.M.



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