

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Civil Misc. Stay Application No. 1841/2005 In
Review Application No. 36/2005 In
Original Application No. 689/2003

Allahabad, this the 28th day of ~~July~~ ^{Aug} 2005

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri K.B.S. Rajan, Member (J)

Jayant Kumar Taneja
S/o Late B.D. Taneja,
J.E. F/M.
R/o Q. No. Shahjahanpur Cantt,
At present working on the post of JE/E/M
In the office of the AGE (I) Shahjahanpur Cantt. (U.P.)

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-Applicant

Versus

1. Union of India
through Secretary,
Ministry of Defence
New Delhi.
2. The Engineer-in-Chief,
Army Headquarters
Kashmir House, DMQ, P.O.,
New Delhi.
3. The Chief Engineer, Headquarters
Central Command,
Lucknow.
4. The Chief Engineer,
Bareilly Zone, Station Road,
Bareilly.
5. The CWE (Commander Works Engineer)
Station Road, Bareilly Cantt.
6. The AGE (I), MES, Shahjahanpur.

-Respondents

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

Through MA 1841/2005, applicant has sought review of Tribunal's orders dated 31.3.2005 whereby OA-689/2003 was dismissed. It is submitted on behalf of the applicant that request made on 28.3.2005 for submitting an impleadment application was not agreed to and the case was dismissed in the absence of applicant's counsel. Later on, the case was fixed on the request of the learned counsel of the applicant on 29.3.2005 for being spoken to. The case was spoken

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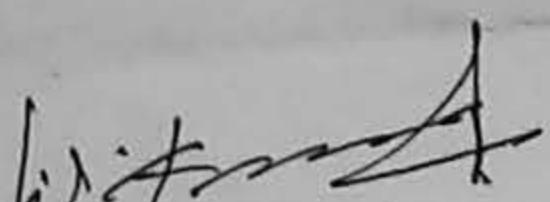
to on 31.3.2005. The applicant's counsel requested for recalling the order dated 28.3.2005 whereby the OA was dismissed and only the reasons remained to be recorded. The Bench expressed inability to do so in view of the CAT rule position. The learned counsel of the applicant then requested that if the applicant made a representation before concerned authority for adjusting him against a clear vacancy at a nearby place, the same may be considered.

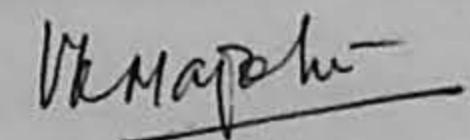
2. We have considered the grounds explored in the review application. All the points made in the review application have already been considered in the orders, in question. Even the rule position has been clarified by extracting rule 105 of CAT Rules of Practice, 1993, to the effect that after pronouncement of the order, even though the request for dismissal of the OA had not been recorded, it is not possible in law and under the rules to recall the pronounced order. Thus, the request of the learned counsel of the applicant for re-hearing after requesting the above order was rejected. Then, learned counsel submitted that the applicant has been transferred to a distant place and as a vacancy exist at a nearer place in Bareilly Zone, applicant may be considered for adjustment against a vacancy in Bareilly Zone. It has been recorded in the orders in question that the grievance of the applicant does not exist any more as the examination of the applicant's daughter on the basis of which he had challenged his transfer was completed on 15.4.2004. As such, the academic session of his daughter having expired, no merit existed in with-holding the transfer orders any further. The request of the learned counsel of the applicant for considering a representation to be made for adjustment in Bareilly Zone was accepted. As such, although the OA was dismissed, it was directed that applicant may make a representation for adjustment against a vacancy, if any in Bareilly zone. Such a representation if made, may be considered by the respondents sympathetically within a period of three months from the date of receipt of such representation by passing a reasoned and speaking order under intimation to the applicant, however, the applicant must join the new place of posting forthwith before making a representation for adjustment against a vacancy in Bareilly zone.

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3. No apparent error on the face of record or of law has been pointed out in this application. The OA has been considered and dismissed on merit and request of the learned counsel for a direction to the respondents to consider the applicant for adjustment against a vacancy in Bareilly zone has also been accepted, as stated above.

4. This application is a mere attempt to argue the case afresh, which is beyond the scope and ambit of a review application. As such, this application is dismissed, in circulation. The stay application is also rejected.


(K.B.S. Rajan)
Member (J)


(V.K. Majotra)
Vice Chairman (A)

cc.