

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

R.A. 45 of 1996
(O.A. 102 of 96)

Date of order : 14.6.2001

Present : Hon'ble Mr. D.Purakayastha, Judicial Member
Hon'ble Mr. M. P. Singh, Administrative Member

UNION OF INDIA & ORS

VS

SUJIT KR. SINHA

For the applicants : Mr. M.S.Banerjee, counsel

For the OP : Mr. B.Chatterjee, Counsel
Ms. B.Mondal, counsel

O R D E R

D.Purakayastha, J.M.:

This review petition has been filed by the respondents of the OA praying for review and recall of the ex parte order dt. 3.4.96 allowing the said OA.

2. In the OA, the case of the applicant was that he was working as Packer under the respondents, which was a Group D post. On 1.11.92, he was promoted to the post of Packing Supervisor in the scale of Rs. 950-1400/- and according to the applicant, this post was also a Group D post. His contention was that since he was working in Group D posts, his age of superannuation would be 60 years. But the respondents by the impugned order dt. 25.8.95 retired him on attaining the age of 58 years w.e.f. 1.2.96. Challenging such decision, he filed the OA.

3./ Inspite of several opportunities being given, the respondents did not appear nor had they filed any reply. Accordingly, the Tribunal decided the OA on the basis of records and on hearing the submission of the 1d. counsel for the applicant and held that the applicant was entitled to be in service till attainment of age of 60 years, he being holder of Group D post.

4. The respondents have now filed this RA contending that the the post of Packing Superevisor in the scale of Rs. 950-1400/- is a Group C post and hence, the applicant was rightly retired on attaining the age of 58 years as per rules.

5. We find that along with a RA, recruitment rules 28.4.94 have been annexed and as per item No. 23, the post of Packing Supervisor in scale of Rs. 950-1400/- has been classified as Group C post in General Central Service, Non-Gazetted. At the time of hearing, Mr. M.S.Banerjee, has also produced before us the 1980 recruitment rules, according to which also, the post in question is borne in Group C cadre. Mr. Banerjee, therefore, contends that the order of the Tribunal should be reviewed and the OA should be re-heard.

6. Mr. B.Chatterjee, 1d. counsel for the applicant has tried to convince us that the post is in Group D cadre. But he has not been able to show any rule or instruction from which it can be concluded that the post of Packing Supervisor is a Group D post as claimed by the applicant.

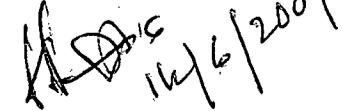
7. In view of the above, we are of the opinion that there was error apparent on the face of the record and according this RA should be allowed.

8. RA 45 of 96 is thus allowed. The order dated 3.4.96
the OA be
passed in OA 102 of 96 is hereby recalled and restored to its original
file and number. But we find that this error has crept in/in view of
the negligence of the respondents either to appear at the time of
hearing of OA or to file a reply therein. Accordingly, we direct
that the review applicants shall pay cost of Rs. 500/- to the original
applicant within a month from to-day.

9. OA is fixed for hearing on 28.8.2001. The respondents may file reply within four weeks. Rejoinder, if any be filed within three weeks thereafter.

10. The respondents are directed to produce all relevant records on the date of hearing.


MEMBER (A)


MEMBER(J)