

ANNEXURE - A

THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

INDEX SHEET

CAUSE TITLE Revised 71 of 1990 (U)
in O.A. 254 of 89 (U)

Name of the parties.

P. P. Verma Applicant.

Versus.

Union of India Respondents.

Part A.B.C.

<u>Sl. No.</u>	<u>Description of documents</u>	<u>Page</u>
1	Judgment dt. 21-2-90	A1 - A3
2	Review Petition	A4 - A9

Bench copy B1 - B6

Certified that no further action is required to be taken, and that the case is fit for
Certification to the record rooms (D)

So (S)

Feb 27/90
01/02/90

AI

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.
CIRCUIT BENCH AT LUCKNOW.

Review Application No. 71 of 1990 (L)

On behalf of

P.P. Verma Applicant.

IN

Registration (O.A.) No. 254 of 1989 (L)

P.P. Verma Applicant.

Versus

Union of India & others Respondents.

Hon'ble Justice K. Nath, V.C.
Hon'ble K.J. Raman, A.M.

(Delivered by Hon. K.J. Raman, A.M.)

This is an application filed under Section 22(3)(f) of the Administrative Tribunals Act, 1985, for review of this Tribunal's judgment dated 30.1.1990 passed in O.A. No. 254 of 1989 (L). This application has been filed on 1.2.1990 and, therefore, within time. There was also another application dated 1.2.1990 seeking a stay of the transfer of the applicant from Lucknow to Rae Bareli, on the basis of the review application. No stay order, however, has been granted.

2. In this application, the applicant has made a number of criticisms against the judgment. It is stated that in para 4(q) of the original application it was specifically mentioned, with regard to the transfer of the applicant who was the senior-most LDC, that the senior-most person could not be transferred in the light of some guidelines prescribed in four letters, mentioned in that para and also as contemplated in Annexure '8' to the original application. It may be mentioned here itself that the relief claimed in the ^{application} original ~~petition~~ was to promote the applicant as UDC from the date his junior (respondent no.4) had been promoted and for quashing

102

what was called the reversion and transfer order being the order dated 9.8.1989, enclosed as Annexure 'A-4' to the application. There was no prayer for any other relief including any prayer for being posted at Lucknow itself as the senior-most LDC, instead of being posted at Rae Bareli. The reference to Annexure 'A-8' in the review application, as a document laying down the policy, seems to be misconceived because, this is merely a letter dated 28.6.1977 from the Deputy Director (Administration), Directorate of Field Publicity, New Delhi on the subject of appointment of one Sri Ishrat Ullah ^{as Cashier} as LDC at Agra. Incidentally, the letter mentions that one Sri Gaur ¹⁹⁷¹ being the senior-most LDC in the U.P. Region should be retained at Lucknow and not transferred and the junior-most LDC working in the Lucknow Unit should be transferred to Agra. This is a purely administrative letter and lays down no guidelines. Even otherwise, if the grievance of the applicant was regarding the transfer only, he should have claimed relief in that respect, after exhausting the departmental remedies in such cases, since transfer is ordinarily an administrative matter and is not to be interfered with by this Tribunal unless there is shown to be any mala fide or violation of any rules.

3. The averments in paras 3 and 4 of the review application are quite incomprehensible. There is no allegation of any error in the judgment in these paragraphs. In para 5 of the review application, it is argued that the applicant ought to have been promoted as UDC in Dehradun, if promotions were to be made always from common seniority even after finalisation of the recruitment rules. The significance of such an averment is beyond comprehension, since the judgment nowhere states that the common seniority should be followed even after the promulgation of the recruitment rules. There is some further vague averments in paras 6 and 7 of the review application. In para 8 of the review application it is stated that this Tribunal could not appreciate the effect of option given by respondent no.4.

100

- 3 -

In para 9 of the review application, a reference is made to para 10 of the judgment which deals with the stay order issued in this case. In that para in the judgment the averments of the respondents that the applicant got himself relieved from the NRLC on 12.9.1989, after obtaining the stay order dated 11.9.1989 from this Tribunal, was noted and commented upon. It was stated that if the applicant had continued to remain on deputation which was allowed, the question of his reversion to the post of LDC would not have arisen at least in the immediate future. In the present review application, it is stated that the NRLC was not made a party in that case. If that was so, it is not understood why the applicant prayed for an interim order to be issued, before this Tribunal and got it on 11.9.1989.

4. The entire review application is vague and merely argumentative. No error has been pointed out in the judgment in question, even though it has been criticised, as briefly indicated above. There is no justification at all for allowing the application for review. It is rejected accordingly.

(Signature)
MEMBER (A).

(Signature)
VICE-CHAIRMAN.

Dated: February 21, 1990.

PG.

(Held)

In the Hon'ble Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench at Lucknow.

C.M.
Review application No. 71 of 1990.

P.P.VermaApplicant.

In re

O.A. No. 254 of 1989 (L)

P.P.VermaApplicant.

Versus

Union of India & others ...Respondent.

Application for Interim Relief:

To

The Hon'ble Vice Chairman
and other Members of the
aforesaid Tribunal.

For the facts reasons and circumstances
stated in the accompanying review application it
is most respectfully prayed that the Hon'ble
Tribunal may graciously be pleased to stay the
transfer of the applicant from Lucknow to Rae Bareli.
Lucknow, dated;

February 01, 1990.

Advices of
(T.N.Tiwari)
Advocate
counsel for the applicant.

AS

In the Hon'ble Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench at Lucknow.

Review Application No. 71 of 1990 4

P.P.Verma

....Applicant.

In re:

O.A. No. 254 of 1989 (L)

P.P.Verma

....Applicant.

Versus

Union of India & others

...Respondents.

Application for Review of Judgement

dated 30-1-1990 passed by Hon'ble

Mr. Kamleshwar Nath J.V.C., and

Hon'ble Mr. K.J.Raman A.M.

To

The Hon'ble Vice Chairman
and other Members of the
aforesaid Tribunal.

The applicant named above being aggrieved
of the subject order most respectfully begs
to submit as follows to review the judgement
as there is an apparent error on the face
of record.

PPVerma

AB

1. That the applicant as U.D.C. was on deputation in N.R.L.C. department from where he was illegally reverted and transferred to Rm Bareli. The reversion was affected reversion. However the impugned order without any specific order/(Annexure A-4) was challenged in the instant original application.
2. That in original application para 4 (q) was specifically mentioned with regards to the transfer as the applicant being senior most L.D.C. in parent region could not be transferred in the light of the guidelines contemplated in the policy letter referred thereon (Annexure A-8).
3. That it was specifically argued that the adhoc promotion pending finalisation of Recruitment Rules could be valid only upto the date of finalisation. On finalisation of Recruitment Rules the same are strictly to be adhered to. If the respondent no.4 was promoted to the post of U.D.C. during pendency of Recruitment Rules from the common seniority and the same was considered valid even on finalisation of the said Rules, the applicant could not be discriminated or deprived of the same privileges in the light of the letter dated 16-1-1978 (Annexure A-5).

AT

4. That it has been held by the Hon'ble Tribunal that as the transfer order of respondent no.4 from Ranikhet (Dehradun) to Lucknow was not on personal request. Therefore, his retention in Lucknow Region was valid even after finalisation of Recruitment Rules.

5. That the Hon'ble Tribunal in para 5 of Judgement appreciated a D.O. letter dated 16-1-1978 (Annexure C-5) as Government policy and office order of Headquarter not applicable to the applicant. In this connection it is submitted that if the promotions were to be always from common seniority even after finalisation of Recruitment Rules even then the applicant ought to have been promoted to the said post of U.D.C. in Dehradun on the basis of common seniority as held.

6. That the Respondent no.4 was serving as accountant and when new accountant out of region was posted that was the correct time to object him and the respondent no.4 only could be posted as accountant. But being U.D.C. of the same region nothing was done in the light of Accountant Recruitment Rules (R.A.-2).

PP/BRM

(AS)

7. That it is further submitted that it was specifically argued that a junior to the applicant was promoted in Dehradun and the applicant ought to have been promoted in Lucknow after transferring the respondent no.4 to his parent option Dehradun.

8. That it is further submitted that the Hon'ble Tribunal could not appreciate as to what was the effect of option given by the Respondent no.4.

9. That the Hon'ble Tribunal in para 10 of the Judgement has held that effect of stay order was that the repatriation of the applicant from N.R.L.C. was stayed and the applicant ought to have been continued on deputation till further order. In fact the N.R.L.C. was not made as a party and there was no such prayer in the application and it is not understood as to how such effect of the stay order was regarding deputation to N.R.L.C.

10. That the transfer order has been issued in the middle session against the departmental standing orders and that is also ignoring the

specific transfer policy as the applicant was senior most L.D.C. in Lucknow Region.

11. That it is expedient in the interest of justice that the Hon'ble Tribunal is pleased to review the order dated 30-1-1990 in the interest of justice otherwise the applicant shall suffer irreparable loss and injury.

PRAYER

It is, therefore, most respectfully prayed that the Hon'ble Tribunal may graciously be pleased to review the order dated 30-1-1990. Lucknow, dated;

February 1, 1990.

PP Verma
Applicant.

Verification

I, P.P. Verma, the above named applicant do hereby verify that the contents of paras 1 to 10 are true to my personal knowledge and the contents of para 11 are believed to be true on legal advice and that I have not suppressed any material fact.

Lucknow, dated;

February 1, 1990.

PP Verma
Applicant.

Identified Sm. P.P. Verma
who is personally known
and sworn before me.
Verma