

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE Review 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.

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Certified that no further action is required to be taken and that the case is fit for  
consignment to the record room (D)

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checked  
on 02/2/90



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 Bareilly. 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 28.6.1967<sup>1977</sup> from the Deputy Director (Administration), Directorate of Field Publicity, New Delhi on the subject of appointment of one Sri Ishrat Ullah as LDC at Agra, <sup>as Cashier</sup> Incidentally, the letter mentions that one Sri Gaur 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 <sup>quite</sup> 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.

WON

AB

-: 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.

*W. Ramani*

MEMBER (A).

*W. Ramani*

VICE-CHAIRMAN.

Dated: February 21, 1990.

PG.

(HLL)

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

C.M.  
Review application No. 7/ of 1990.  
P.P. Verma ..... Applicant.

In re  
O.A. No. 254 of 1989 (L)  
P.P. Verma ..... Applicant.  
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 Bareilly.  
Lucknow, dated;  
February 01, 1990.

*T.N. Tiwari*  
( T.N. Tiwari )  
Advocate  
counsel for the applicant.

*A.T.  
1/2/90*

(AS)

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

Review Application No. 71 of 1990 64

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.

PP Verma

AG

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 without any specific order/ (Annexure A-4) However the impugned order was challenged in the instant original application.

2. That in original application para 4 (g) 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 therein (Annexure A-3).

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).

PPVezing

AP

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).

PPV Bm



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 opted region 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 Judgment 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

PPVERM9

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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 01, 1990.

*P.P. 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 01, 1990.

*P.P. Verma*  
Applicant.

*Identified Mr. P.P. Verma who is personally known and signed before me.*

*Hilman Sar*