

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

R.P. NO: 02/96 ALONG WITH MP 17/96 IN

O.A.NO:581/91

(17)

1. Union of India
through
Secretary
Ministry of Defence,
South Block,
New Delhi-11.

2. Director General,
Ordnance Factories,
10-A, Auckland Road,
Calcutta -1.

3. General Manager,
Ordnance Factory,
Ambazari,
Nagpur - 21.

.. Review
Petitioners

-vs-

O.P.Yadav and 47 Ors.

.. Respondents

Coram: Hon'ble Shri B.S.Hegde, Member(J)

Hon'ble Shri M.R.Kolhatkar, Member(A)

Tribunal's Order on Review Petition
by circulation

Date: 18/11/96

(Per M.R.Kolhatkar, Member(A))

O.A. 581/91 was decided by Tribunal on
13-3-95 by grant of certain reliefs to the applicants.
R.P.No.78/95 filed by the original applicants was
dismissed by this Tribunal by circulation on 30-8-95
The present RP is by original respondents in which
the main contention is that the original applicants
are not within the zone of consideration in terms of

(R)

SRO 10-E, which came into force w.e.f. 6-7-89 read with contents of the letter dt. 28-7-89-Para 2.2.1. The review petitioner has therefore sought review of our judgment dt. 13-3-95 and ^{prayed us} to hold that the original applicants are not entitled for grant of any relief.

2. MP 17/96 is for condonation of delay in filing the RP. The grounds for condonation **are that** the certified copy of the order dt. 13-3-95 was not delivered to the review petitioners. They, however, arranged to collect the uncertified copy of the order on 4-5-95 and thereafter the matter was referred to to the Ordnance Factory Board and after inter departmental correspondence and after obtaining legal advice the RP came to be filed on 15-11-1995.

3. Delay in filing the RP is condoned. **in** the facts and circumstances narrated by the Review Petitioner. **The** MP, therefore, stands disposed of.

4. Subsequent to the filing of the RP respondents have filed an "additional reply to state subsequent events", and the same has been briefly noted by us in our order dt. 17-10-96 passed at Nagpur, the gist of which is that out of 48 applicants in OA, 28 applicants have been promoted, 13 have been interviewed, 3 have been transferred, 1 applicant has resigned ^{and} 2 applicants belong to Grinder's grade **for which** there are no vacancies and one applicant belong to Tool & Diemakers grade **which** does not exist in the new SRO. The respondents therefore submit that the order passed by the Tribunal **may** be implemented in the aforesaid manner.

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5. The counsel for the original applicants had undertaken to file a reply to additional submissions filed by the original respondents and it was decided that orders in RP would be passed only after perusal of the submissions. The same has been received at Bombay on 31-10-1996 and we have perused the same. In this reply the original applicants have opposed the RP and have also referred to the judgment of the Tribunal in O.A. 1468/95 decided on 9-1-96 in which the Tribunal followed the Supreme Court judgment in U.P.State Road Transport Corporation and Anr. vs. U.P.Parivahan Nigam Shishukhs Berozgar Sangh and Ors. (1995) 2 SCC 1. On the basic point xxxxxxx that there is no requirement of semi-skilled worker in the Grinder trade it is stated that a vacancy has been notified on 17-4-1995 and that S/Shri B.K.Shrivastava and S.K.Kathwate , employees belonging to this trade had applied for the same but their application was not considered. Regarding J.S.Sonone who belonged to the trade of 'Tool and Die maker' it is stated that he can be easily accommodated in the existing identical trades like Fitter General, Grinder, Machinist Tool Maker etc, as has been the practice in the Ordnance Factories since long.

6. We have considered the R.P., the additional submissions filed by the original respondents and reply of the original applicants to the additional submissions. We are not satisfied that the review petitioners have made out a case for review of our order dt. 13-3-95. At the same time we also take note of the additional submissions made by the original respondents and the

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reply of the original applicants. While dismissing the R.P. we direct the original respondents to accommodate remaining three employees viz. S/Shri B.K.Shrivastava, S.K.Kathwate and J.S.Sonone in some of the existing identical trades like Fitter General, Grinder, Machinist, ToolMaker etc. This R.P. stands disposed of accordingly.

M. R. Kolhatkar
(M.R. KOLHATKAR)
Member(A)

B. S. Hegde
(B.S. HEGDE)
Member(J)

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