

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

F.A.No.59/94

Date of order: 10.10.95

Union of India & Ors. :: Petitioners

vs.

Harish Chand & Ors. : Respondents

R.A.No.60/94

Union of India & Ors. : Petitioners.

vs.

Shiv Lal & Ors. : Respondents

Mr. Manish Bhandari : Counsel for Applicants/respondents.

Mr. P.D. Khanna : Counsel for Respondents/petitioners

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. O.P. Sharma, Member(Adm.)

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN.

These two Review Applications Nos. 59/94 and 60/94 have been filed by the Union of India and other official respondents in T.A. No. 171/92 and 192/92 seeking a review of the decision rendered in these T.As. Since identical question of law and fact is involved, these are being disposed of by a common order.

2. We have heard the learned counsel for the parties and have carefully perused the record.

3. After hearing the learned counsel for the parties, we direct the petitioners/respondents to take action as under:

i) All the applicants in the aforesaid T.As shall be given appointment as Group-D employees within a period of 30 days from the date of this order, subject to their being found medically fit in the appropriate category after medical examination, during this period of 30 days. However, if any of the applicants has got some age bar by now for Railway service, that fact shall not stand in the way of their appointment at this late stage.

ii) All the applicants in the aforesaid T.As shall be given appointment w.e.f. 24.5.1994, i.e. the date on which order in T.A.

Nos.171/92 and 192/92 was passed. However, they shall not be granted any seniority over persons who have already been given appointments in the intervening period. They shall be allowed sectional benefit of fixation w.e.f. 24.5.1994.

iii) In the order dated 24.5.1994, costs of Rs.5000/- had been imposed on the respondents in the T.As for negligence on the part of their officers in not making necessary verifications for 13 years and keeping the matter in suspense. In the Review application it has been stated that there is no negligence on the part of any official. We have carefully considered the matter and we are of the view that the matter regarding negligence on the part of any official does not survive. Therefore, the direction regarding payment of costs would not be in force.

4. The decision rendered in the aforesaid T.As is reviewed accordingly in terms of the directions given above.

(O.P.Sharma)

Member (Adm.)

(Gopal Krishna)

Vice Chairman.