

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH

RA.No.060/00002/2015 IN
OA.No.060/00140/2014

Dated: 08.01.2015

CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)

JATINDER KAURAPPLICANT
VERSUS

UNION TEERITORY CHANDIGARH & ORS.RESPONDENTS

(ORDER)

By Hon'ble Mrs. Rajwant Sandhu, Member(A)

1. This RA has been filed on behalf of respondents no.3 and 4 in the OA, under Order 47 Rule 1 CPC for review of the order dated 09.12.2014.
2. It has been stated in the RA that the decision of the Central Government for implementing the principle of reservation in promotion had to be followed by the UT Administration being an agency of the Central Government as was reflected in the letter dated 07.01.2014 and OM dated 29.04.2014 (Annexure A-2 Colly). In the communication dated 07.01.2014 it has been mentioned that an amendment is to be brought to the provisions of Article 16(4A) of the Constitution of India and the Bill for amendment of

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this provision was passed by the Rajya Sabha. The amendment was to have retrospective effect and the Bill in its object clarified that the ratio as laid down in the case of M. Nagraj case is difficult to be implemented. Hence "in principle" decision of the Central Government regarding reservation in promotion had to be implemented.

3. It is further stated that the review applicants had not submitted their response to the OA and a final decision was taken without any order closing the right of the review applicants to file their written statement. Review applicants have therefore prayed that the order dated 09.12.2014 may be reviewed for rehearing and liberty be granted to the review applicants to file a written statement to the OA.

4. The content of the OA, the reply filed on behalf of respondents no.1 and 2 as well as the order dated 09.12.2014 that is the subject of the RA have been perused carefully. So far as the issue regarding intention of the Central Government to continue to implement the principle of reservation in promotion is concerned the matter has been argued in detail by the learned counsel for the applicants in the OA and counsel for the official

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respondents and this aspect has been adjudicated upon. Hence this ground taken in the RA appears to be an attempt to seek rehearing of the whole matter which is not within the scope of an RA.

5. Regarding the second contention of the review applicants who are respondents no.3 and 4, it is seen that opportunity to file the written statement was available to the respondents from 25.03.2014 onwards but inspite of the matter having been listed 08 times from 25.03.2014 to 20.10.2014, the counter reply on behalf of respondents no.3 and 4 was not filed. On 20.10.2014, the Registrar recorded as follows:-

"Learned proxy counsel for respondents no.3 and 4 has sought time for filing reply. Learned proxy counsel for the applicant has opposed the said request on the ground that sufficient opportunities have been granted to respondents no.3 & 4 for filing reply.

On the last date of hearing, learned proxy counsel for respondents no.3 & 4 was directed to file reply positively by the next date of hearing. Sufficient opportunities have been granted to respondents no.3 & 4 for filing reply but no reply has been filed till date.

Pleadings are deemed to be complete.

List before the Hon'ble Bench for appropriate orders / direction on 11.11.2014." Ms

On 11.11.2014, learned proxy counsel for respondents no.3 and 4 stated that they are adopting the reply filed on behalf of respondents no.1 and 2. It was only thereafter that it was again recorded that the pleadings in the matter are complete and hence the matter may be listed for final hearing. From this narration it is clear that respondents no.3 and 4 chose not to file their separate reply to the OA.

6. Hence both the grounds taken in the RA are without merit and the RA is rejected.

**(RAJWANT SANDHU)
ADMINISTRATIVE MEMBER.**

**(DR. BRAHM A. AGRAWAL)
JUDICIAL MEMBER**

Place: Chandigarh
Dated: 08.01.2015.

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