

Central Administrative Tribunal
Principal Bench, New Delhi

RA-209/2016 in
OA-1366/2014
MA-2894/2016

New Delhi, this the 07th day of December, 2016.

Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

Mr. Vinod Ashwini Saxena,
Aged about 45 years,
S/o Mr. V.P. Saxena,
R/o H.No. 2-B, Block-255,
Panchkuian Road, Railway Officers
Colony, Basant Lane, Connaught Place,
New Delhi-1,
Presently working as Director in the
Cabinet Secretariat, Room Number-7,
Bikaner House Annexe, Shahjahan Road,
New Delhi-11.

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Applicant

(through Sh. Devesh Singh with Ms. Harvinder Oberoi)

Versus

1. Union of India through
the Secretary(R),
Cabinet Secretariat, Room Number 7,
Bikaner House Annexe, Shahjahan Road,
New Delhi-11.
2. Mr. Dharmendra Bhargava Director,
Cabinet Secretariat, Room Number 7,
Bikaner House Annexe, Shahjahan Road,
New Delhi-11.
3. Mr. Siddharth Zutshi, Director,
Cabinet Secretariat, Room Number 7,
Bikaner House Annexe, Shahjahan Road,
New Delhi-11.

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Respondents

(through Sh. Ajay Kumar Tandon with Ms. Manika Goswamy)

ORDER(ORAL)

Hon'ble Mr. Shekhar Agarwal, Member (A)

This RA has been filed by private respondent no. 3 in OA No. 1366/2014 for review of our order dated 01.12.2015, the relevant part of which reads as follows:

"5. One other issue that we have considered is the delay in asking for this relief by the applicant. He has explained that due to the secret

nature of working of RAS, it was only in 2013 that he came to know that IES had also become a feeder service to RAS. Further, in their sur rejoinder, the applicants themselves have admitted that the only person to be affected by re-fixation of applicant's seniority was respondent No. 2 Mr. Dharmendra Bhargava but that respondent was not a member of RAS nor had he been permanently seconded to RAS. As such, he was not in the reckoning for next promotion to the rank of JS. In other words, if the relief asked for by the applicant is granted, no third party rights will be affected. Hence, despite the delay, we are inclined to grant the relief asked for by the applicant.

6. Accordingly, this O.A. is allowed and the respondents' communication dated 28.10.2013 is quashed and set aside. Respondent No.1 is directed to allot/fix seniority of the applicant in RAS taking into account his year of allotment in IES within a period of eight weeks from the date of receipt of a certified copy of this order. No costs."

2. Learned counsel for the review applicant submitted that an error apparent on the face of record has crept into the judgment in as much as in Para 5 it has been observed that no third party rights are involved if the OA was allowed. He submitted that he was a respondent in the OA and he had filed his counter stating that he would be aggrieved in case prayer of the applicant was considered. Yet his counter reply has not been taken into account.

3. During the hearing of review application it has also been submitted by the parties that the official respondents have challenged the aforesaid order in Writ Petition No. 5954/2016 before Hon'ble High Court of Delhi and Hon'ble High Court by their interim order have stayed operation of this Tribunal's order.

4. In view of the aforesaid position, we close this review application at this stage since the Writ Petition is pending before Hon'ble High Court. The review applicant may present his case before that court.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

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