

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**RA-214/2016 in
OA-2017/2015
MA-2938/2016**

New Delhi this the 30th day of September, 2016.

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

Ms. Susheela Kumari,
W/o Sh. Mohan Prakash Dubey,
E/o Directorate of Education,
Govt. of NCT of Delhi,
Ishani Sarvodaya Kanya Vidayala,
G-Block, Saket, New Delhi-17.
R/o 25/5, Sector-1, Pushp Vihar,
New Delhi-17.

.... **Applicant**

Versus

1. Union of India through
Secretary its Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi-110011.

2. Director, Directorate of Estates,
Govt. of India, Nirman Bhawan,
New Delhi-110011.

3. Govt. of NCT of Delhi through
Chief Secretary,
Govt. of NCT of Delhi,
Delhi Secretariat,
New Delhi-110002.

4. Secretary,
Public Works Department and Housing,
Govt. of NCT of Delhi,
5th Level, 'B' Wingh,
Delhi Secretariat,
New Delhi-110002. **Respondents**

O R D E R (By Circulation)

This Review Application has been filed by the OA applicant for review of my order dated 30.08.2016 by which the O.A. was dismissed. After reiterating in the R.A. the issues raised in the O.A., the review applicant has submitted that several of the judgments cited by the applicant at the time of hearing of the O.A. have not been taken note of by this Tribunal and not discussed in the judgment. He has cited the following judgments:-

- (i) **Darshan Jain Vs. Delhi Administration & Ors.**, WP(C) No. 15370/2006 & CM No. 12325/2006 decided on 03.04.2008.
- (ii) **Ramana Dayaram Shetty Vs. Airport Authority of India**, AIR 1979 SC 1628.
- (iii) **Nirmal Verma Vs. Municipal Corporation of Delhi & Anr.**, SLR 2005(6) 222.
- (iv) **S.K. Saxena Vs. UOI (OA-740/2010)** decided on 08.04.2011.

2. On going through my judgment, I find that these judgments have been taken note of by me. This is evident from Para-4 of the order, which reads as follows:-

- “(i) **Ramana Dayaram Shetty Vs. IA Authority of India & Ors.**, AIR 1979 SC 1628.
- (ii) **Darshan Jain Vs. Delhi Administration & Ors.**, 2008 V AD DELHI 1.
- (iii) **Nirmal Verma Vs. MCD & Anr.**, (WP(C) No. 3303/2003) decided by Hon’ble High Court of Delhi on 18.03.2005.

(iv) **S.K. Saxena Vs. UOI & Ors.**, (OA-740/2010) decided by PB of CAT on 08.04.2011.

3. Again in Para-9 the judgments cited by the review applicant have been discussed and the conclusion drawn was that all of them pertained to equality of treatment but since negative equality cannot be permitted, no relief can be granted to the applicant. Thus, the contention of the review applicant that the judgments cited by the applicant have escaped the attention of the Tribunal is not correct. Only the judgment in the case of **Sengara Singh Vs. State of Punjab**, 1983(4)SCC 225 has not been noted by this Tribunal. However, I find that this judgment was also on the issue of equality of treatment and, therefore, has to be dealt with in the same manner as other judgments cited by the review applicant. Thus, merely because this judgment has escaped my attention and not take note in the order, does not vitiate the order as even if it had been taken note of, it would not have made any difference to the outcome of the OA.

4. No other issue has been raised by the review applicant. I am, therefore, of the opinion that there is no merit in this Review Applicant and the same is dismissed in circulation.

**(Shekhar Agarwal)
Member (A)**

/Vinita/