

Central Administrative Tribunal
Principal Bench
New Delhi

R.A.No.239/2014
in
O.A.No.2592/2012

Order Reserved on: 04.11.2015
Order pronounced on: 24.11.2015

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri V. N. Gaur, Member (A)

Khalil Ahmad, Aged about 52 years,
Son of Shri Ansar Husain,
Now working as Deputy Registrar (Law), Group A',
At National Human Rights Commission,
New Delhi-01.

Resident of :

1-B, MSD Flats Type-IV,
Minto Road Complex,
New Delhi-02.

.. Review Petitioner

(Petitioner in person)

Versus

1. The Union of India through
The Secretary,
Department of Personnel & Training,
Ministry of Personnel, Pension and Public Grievances,
South Block, New Delhi-01.

2. National Human Rights Commission,
Through its Chairman,
Faridkot House, Copernicus Marg,
New Delhi-01.

.. Respondents

(By Advocate: Sh. R.N.Singh with Sh. Amit Sinha)

ORDER

By V. Ajay Kumar, Member (J):

Heard Shri Khalil Ahmed, the petitioner in person and Shri R.N.Singh, the learned counsel for the respondents.

2. The applicant, while working as Assistant Registrar (Law) in the Respondent-National Human Rights Commission, filed OA No.2592/2012 seeking the following reliefs:

“8.1 to all the OA and quash the impugned order dated 05.08.2011 (Ann. A-1) dated 25.11.2011 (Ann. A-2) and dated 22.06.2012 (Ann. A-3) and consequently direct the NHRC respondent no.2, to allow counting the services rendered on deputation towards eligible service for promotion, for the Promotion of the petitioner to the post of Deputy Registrar, and to consider his case for the promotion to the post of Deputy Registrar in terms of RR; and

8.2 further direct the NHRC respondent no.2 to allow the pay of the Deputy Registrar, as per Fundamental Rule (FR) 49 w.e.f. 02.08.2011 onwards, the humble petitioner intrinsically performing and discharging all the duties and shouldering the responsibilities of the post of the Deputy Registrar (Law), NHRC, in addition to his own duties, since 02.08.2011; and

8.3 to grant any other or further relief as deemed just, appropriate and necessary by this Hon. Tribunal as per facts and circumstances of the case besides the cost and expenses of the litigation to extent of Rs.50,000/-.”

3. However, Shri H.P.Chakravorthy with Shri A. K. Bhakt, the learned counsel appearing for the applicant, when the OA came up for hearing on 08.07.2014, submitted that they are restricting their prayer to para 8(i) only and that they are not pressing the reliefs at Paras 8(ii) and 8(iii).

4. This Tribunal, after hearing both sides, by its Order dated 08.07.2014, disposed of the OA No.2592/2012 as under:

"5. When this matter is taken up for hearing, noticing that the applicant has completed the required 5 years service in the category of Assistant Registrar even without reference to the period spent on deputation, i.e. prior to absorption, as his services were finally absorbed w.e.f. 25.06.2009, the learned counsel for the applicant submits that the applicant would be satisfied if the respondents consider his case for promotion to the post of Deputy Registrar since he has completed the required 5 years service as on today.

6. In the aforesaid circumstances, the O.A. is disposed of permitting the applicant to make a representation ventilating his grievances to the respondents within two weeks from today, and on receipt of such representation from the applicant, the respondents shall consider the same in accordance with law and recruitment rules in vogue, within 60 days from the date of receipt of the same.

7. With the above directions, the O.A. stands disposed of. No order as to costs."

5. The petitioner, who is appearing in person in the present review application, submitted the following as the sole ground for reviewing the order dated 08.07.2014 and to dispose of the OA on merits.

"2. BECAUSE there seems to some mis-understanding in consideration of submission of counsel for the petitioner in that it has been observed by the Hon. Bench "the learned counsel for the applicant submits that the applicant would be satisfied if the respondents consider his case for promotion to the post of Deputy Registrar since he has completed required 5 years' service as on today", it was one of submissions on the factual position, not the final submission for concluding the adjudication of subject matter in controversy.

6. Though there is no affidavit of any sort of the counsel, who represented the applicant, when the OA was finally disposed of is filed, in support of the submission made by the review applicant, however, since the OA was disposed of summarily without deciding the same on merits, basing on the submission made by the counsel for the applicant in the OA, in the circumstances and in the interest of justice and to provide an opportunity to the applicant to argue the OA on merits, and by treating the reason mentioned by the applicant as sufficient reason, the review application is allowed, and the order

dated 08.07.2014 in OA No.2592/2012 is reviewed and recalled and the Registry is directed to restore the OA to its original file and to list the same for hearing on 14.12.2015.

No costs.

(V. N. Gaur)
Member (A)

(V. Ajay Kumar)
Member (J)

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