

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

RA No.276/2015
in
OA No.1590/2015
MA No.1443/2015

this the 23rd day of May, 2016

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Dr. Birendra Kumar Sinha, Member (A)

1. Balram
S/o Late Gurdas Ram
Working as Beldar having
Employee Code No.292368
Presently posted in the Water Supply
Wing of the New Delhi Municipal Council
at Service Centre situated at Netaji Nagar
New Delhi.
2. Subash Chandra Kushwaha
S/o Late Bikau Kushwaha
Working as Beldar having
Employee Code No.293126
Presently posted in the Water Supply
Wing of the New Delhi Municipal Council
at Service Centre situated at Netaji Nagar
New Delhi.
3. Raja Gopal
S/o Late Atti
Working as Beldar having
Employee Code No.281600
Presently posted in the Water Supply
Wing of the New Delhi Municipal Council
At Service Centre situated at Netaji Nagar
New Delhi.
4. Kamlesh Kumar Verma
S/o Late Ram Naresh
Working as Beldar having
Employee Code No.305493
Presently posted in the Water Supply

Wing of the New Delhi Municipal Council
At Service Centre situated at Netaji Nagar
New Delhi.

5. Pawan Kumar
S/o Shri Ram Prasad
Working as Beldar having
Employee Code No.305491
Presently posted in the Water Supply
Wing of the New Delhi Municipal Council
at Service Centre situated at Netaji Nagar
New Delhi.

..... Review Applicants

(By Advocate: Shri Avijit Bhattacharjee)

Versus

1. The Chairman
New Delhi Municipal Council
Having office at Palika Kendra
Sansad Marg
New Delhi – 110 001.
2. Chief Engineer (Civil)
Water Supply Division
Civil Engineering Department
New Delhi Municipal Council
Palika Kendra, Sansad Marg
New Delhi – 110 001.
3. Assistant Secretary (Civil)
Water Supply Division
Civil Engineering Department
New Delhi Municipal Council
Palika Kendra, Sansad Marg
New Delhi – 110 001.

.....Respondents.

(By Advocate: Shri Pawan Kumar for Shri Vaibhav Agnihotri)

ORDER (ORAL)

By Hon'ble Mr. V.Ajay Kumar, Member (J)

Heard Shri Avijit Bhattacharjee, learned counsel for the Review Applicants and Shri Pawan Kumar, learned proxy counsel for the respondents.

2. The Review Applicant is the original applicant in OA No.1590/2015. This Tribunal vide its order dated 16.09.2015 disposed of the said OA summarily as the respondents failed to file any reply to the OA. The operative part of the said order reads as under:-

"3. The only argument put forth on behalf of the applicants is that 92 posts of Pump Attendant / Driver are vacant in New Delhi Municipal Council and the respondents are not filling up the same. We find from paragraph 6 of the speaking order dated 5.3.2015, assailed in the present Original Application, that the respondents have taken a specific stand that the Department is in the process to fill up the resultant vacancies of the post of Pump Attendant and the applicants can apply for the same as and when the applications are invited. The paragraph reads thus:-

"6 Whereas, the department is in the process to fill-up the resultant vacancies of the post of Pump Attendant & the applicants can apply for the same as & when, the applications will be invited from the departmental regular / eligible employees against the departmental promotion quota."

4. In the wake, the Original Application is disposed of with direction to the respondents to finalize the process to fill up the aforementioned posts as expeditiously as possible preferably within six months from today. No costs."

3. The learned counsel appearing for the Review Applicants while drawing attention of this Tribunal to para 3.18 of the RA, submits that the day on which the OA was disposed of he was held up in Hon'ble Supreme Court and his junior sought time, however, this Tribunal disposed of the OA, as if he was present and argued, summarily, as above, on the basis of order dated 05.03.2015 of the respondents, which in fact was the impugned order in the OA. The respondents in their reply to this RA, have not denied the contention of the applicants' counsel that he was not present on the date of disposal of the O.A., though it was shown in the order, as if he was present. The learned counsel for the Review Applicants seeks to dispose of the O.A. on merits.

4. In the circumstances, the RA is allowed and the order dated 16.09.2015 passed in OA No.1590/2015 is recalled.

OA No.1590/2015

List the OA on 19.07.2016 under the caption "after notice", for filing reply by the respondents.

(Dr. Birendra Kumar Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)

/uma/