

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

R.A. No.03/2017 in
O.A No.3348/2014

New Delhi this the 28th day of April, 2017

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. P.K. Basu, Member (A)

Surender Pal,
House No.B-210,
Gali No.10, Phase-10,
Shiv Vihar, Karawal Nagar,
Delhi-110094.

.. Review Applicant

(By Advocate: Ms. Manika V. Aggarwal)

Versus

1. Delhi Transport Corporation,
Govt. of NCT of Delhi,
Through its Chairman,
DTC Headquarters, I.P. Estate,
New Delhi-110002.
2. The Depot Manager,
Millennium Depot-IV,
New Delhi.
3. The Medical Board,
Delhi Transport Corporation,
Govt. of NCT of Delhi,
BBM Dispensary,
BBM DTC Depot Complex,
Delhi-110009.
4. The Chief Secretary,
Govt. of NCT of Delhi,
Delhi Secretariat, I.P. Estate,
ITO, Delhi-110002.
5. Dr. S.P. Gupta,
CMO,
(I/c DTC Medical Board),
R/o 4698/49, Regharpura,
Karol Bagh, New Delhi.

6. Dr. L.M. Singh,
SAG, CMO,
Lal Bahadur Shastri Hospital,
Khichripur,
Near Kalyanvas Colony,
Mayur Vihar Phase-II,
Delhi-110091.
7. Dr. Harish Mansukhani,
SAG, CMO, Orthopaedics,
Lal Bahadur Shastri Hospital,
Khichripur,
Near Kalyanvas Colony,
Mayur Vihar Phase-II,
Delhi-110091.

Also at:

B-39, Jangpura Extension,
New Delhi-110014.

.. Respondents

(By Advocate : Ms. Swati Jain for Ms. Ruchira Gupta for
Respondents No.1 to 3 and 5)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

The Original Applicant in the O.A. filed the present Review
Application with the following prayer:

- “1. Clarify the Order dated 08.11.2016 to the extent that specific time-limit is fixed thereby directing the Respondents to comply with the directions issued by this Ld. Tribunal within the said specified time-limit;
2. Recall the order dated 08.11.2016 to the extent the same denies the right of obtaining back-wages by the Applicant and review the direction/s issued to the Respondents qua grant of back-wages as prayed for by the Applicant, in view of the facts and legal submissions made in the present petition.”

2. The applicant filed the O.A. seeking the following relief(s):

- (i) Call for the records of the previous O.A. No.2502 of 2013 filed by the Applicant which was disposed of by this Honble Tribunal vide order dated 09.01.2014;
- (ii) Allow the present Original Application;
- (iii) Declare the constitution of the so-called independent medical board to be illegal;
- (iv) Quash and set aside the alleged Speaking Order No.PLD-III/(Dr./DSSSB)/2014/2080 dated 22.05.2014 issued by the Respondents and Medical Examination Reports dated 21.05.2014 issued by the Respondent No.3;
- (v) Direct the Respondents Nos. 1 and 3 to take strict action against the Respondents No.4 for exercising bias and causing grave prejudice to the rights and interests of the Applicant;
- (vi) Direct the Respondents to retain the Applicant in service as a driver without any break-in-service as if in continuous employment, with all consequential benefits of pay, seniority, increments, back wages, etc. after taking into consideration the Medical Reports issued by the AIIMS on 21.06.2013;
- (vii) Direct the Respondents to pay the arrears of salary from the date when the Respondents have stopped paying full salary;
- (viii) Direct the Respondents to pay the costs of the present litigation; and
- (ix) Pass such other order or orders as are deemed fit and proper in the facts and circumstances of the case.+

3. This Tribunal, after hearing both the sides, allowed the O.A. as under:

13. The O.A. is allowed and the order dated 22.05.2014 is quashed and set aside and the respondents are directed to reinstate the applicant as Driver w.e.f. 01.08.2013 with notional benefit of seniority and pay fixation. Actual salary and allowances would be paid to him from the date he assumes the charge of the post of Driver. No order as to costs.

4. Heard the learned counsel for the Review Applicant and learned counsel for the respondents No.1 to 3 and 5.

5. Learned counsel for the review applicant submitted that though their O.A. was allowed in their favour, but since the Tribunal has not granted the back-wages and not fixed the time-frame for complying with the directions issued in the O.A., they filed the Review Application.

6. It is well settled that the Review is maintainable only when there is an error apparent on the face of the record. Since no such averment is made in the Review Application and no other valid grounds to invoke the review jurisdiction of this Tribunal are shown, the same is liable to be dismissed.

7. Accordingly, the R.A. is dismissed. No costs.

(P.K. BASU)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

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