

**Central Administrative Tribunal
Principal Bench**

RA No.27/2016

In

OA No.4507/2013

Order Reserved on: 06.12.2016

Pronounced on: 20.12.2016.

**Hon'ble Mr. Raj Vir Sharma, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Ms. Prem Kundra,
W/o Late Sh. Suraj Singh
R/o B-5/195,
Safdarjung Enclave,
New Delhi-110029.

-Applicant

(By Advocate: Shri Sourabh Ahuja))

Versus

1. Govt. of NCT of Delhi
Through its
Chief Secretary
Delhi Secretariat
I.P. Estate,
New Delhi-110001.
2. Principal Secretary
Directorate of Training & Technical Education
Muni Maya Marg, Pitam Pura,
Delhi-110088
3. The Director
Directorate of Training & Technical
Education C- Block, 1st Floor,
Vikas Bhawan,
New Delhi-110002
4. The Principal
Arya Bhat Polytechnic
G.T. Karnal Road,
Delhi

5. The Chairman
U.P.S.C. Dholpur House,
Shahajan Road,
New Delhi.

-Respondents

(By Advocate: Ms.Sumedha Sharma and Shri R.V. Sinha)

O R D E R

Mr. K.N. Shrivastava, Member (J):

This Review Application (RA) has been filed under Section 22 (3) (f) of the Administrative Tribunals Act, 1985, praying for recalling the Tribunal's order in OA No.4507/2013 dated 04.09.2015.

2. The brief facts of this case are as under:

2.1 The applicant was appointed as Studio Assistant in Polytechnic in the Directorate of Training and Technical Education (DTTE) of Government of National Capital Territory of Delhi (GNCTD). In the said OA the applicant had prayed for upgradation of his post to that of Lecturer (Architecture) for the grounds mentioned in the said OA. In fact, the reliefs prayed for, read as under:

“(i) declaring the applicant is entitled to be considered for upgradation post of lecturer (architecture) with consequential benefits i.e. arrears of pay and allowance w.e.f. the year July, 1990 with 18% interest thereon.

(ii) Directing the respondents to consider the upgraded post of Lecturer (Architecture) with consequential benefits i.e. Arrears of pay and allowance w.e.f. July, 1990 alongwith 18% interest on the arrears of pay and allowances;”

2.2 OA No.4507/2013 was disposed of by the Tribunal vide order dated 04.09.2015 (under review) with the following direction:

“Learned counsels for the parties are ad idem that respondents nos. 1 to 4 should sent fresh proposal to respondent no. 5 for consideration of the applicant for promotion/upgradation to the post of lecturer (Architecture) for each year from 2001 to 2010 in terms of the provisions of notification no.F.11/536/1986/TE/AD/1089/3545 dated 10.07.2008 within two weeks thereafter. Ordered accordingly.””

2.3 The applicant in this RA states that the order under review was passed with the consent of the parties, whereas the then learned counsel for the applicant had not taken the applicant’s consent for the same. The applicant has further submitted that she came to know of the order dated 04.09.2015 on 03.11.2015 and immediately thereafter she filed the instant OA.

2.4 For the above reasons and also placing reliance on the following judgments, she has prayed for allowing the RA:

- i) Decision of this Tribunal in **Shri Dinesh Rawat & Ors. V. Union of India & Ors.**, [RA No.44/2016 in OA No.3031/2015, decided on 09.11.2016].
- ii) Judgment of the Hon’ble High Court of Delhi in **UOI & Anr. V. Ved Prakash**, [W.P. (C) No.7750/2013, dated 09.12.2013].

3. Pursuant to the notice issued, the respondents entered appearance and filed their short reply. Arguments of the parties were heard on 06.12.2016.

4. The order under review primarily directs respondent No.1-4, i.e., GNCTD and DTTE to send fresh proposal to respondent No.5 (UPSC) for considering the case of the applicant for upgradation to the post of Lecturer (Architecture). The said order also sets a time line for respondents 1-4 for sending the proposal to respondent No.5 and also for respondent No.5 to dispose of the said proposal. We fail to understand as to what kind of prejudice has been caused to the review applicant by the said order, even if it is assumed, for the sake of argument, that the learned counsel for the applicant had not given her consent for the said order. Further, no cogent ground has been given in the RA for seeking condonation of delay in filing the same.

5. We have also perused the above two judgments relied upon by the review applicant. We find that the facts and circumstances of those cases are completely different from the instant case. In **Dinesh Rawat** (supra), the review applicants had stated that they had not made a particular admission before the Tribunal, whereas the Tribunal had recorded that they made such an admission. Likewise, in

Ved Prakash (supra) the Hon'ble High Court of Delhi observed that the Chandigarh Bench of this Tribunal had failed to notice that the case of the applicant therein and that of Rajpal were identical but the Tribunal had not gone into it. For these reasons, the orders passed were recalled.

6. In the conspectus of the discussions in the foregoing paras, we dismiss the RA being found devoid of any merit. The review applicant would, however, be at liberty to approach this Tribunal in case she remains dissatisfied with the final outcome of the action taken by the respondents pursuant to the Tribunal's order dated 04.09.2015.

7. No order as to costs.

(K.N. Shrivastava)
Member (A)

(Raj Vir Sharma)
Member (J)

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