

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

**RA-38/2015
In OA-1393/2013**

New Delhi this the 10th day of August, 2016.

Hon'ble Sh. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

1. The Chairman cum-MD
Delhi Transport Corporation
DTC Hqrs. IP Estate, New Delhi-2
2. The Regional Manager (East)
Through CMD-DTC
Delhi Transport Corporation
IP Estat., N Delhi-2
3. The Depot Manager
East Vinod Nagar Depot
DTC, Delhi. ... Review applicants
(By Advocate : Sh. Manish Garg)

Versus

1. Mr. Ram Prasad S/o
Late Hari Chand
Driver B.No. 11889
East Vinod Nagar Depot, DTC, Delhi
r/o A-24, New Seelam Pur,
Delhi-110053
Delhi-92
2. Mr. Gurmail Singh
s/o late Mr. Bachan Singh
Driver B.No. 14898
East Vinod Nagar Depot, DTC, Delhi
r/o D-First Floor,
Pandav Nagar, Delhi-110092. ... Respondents
(By Advocate : Sh. N. Gautam with Ms. Swati Gautam)

ORDER (ORAL)

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

This RA has been filed for review of our order dated 28.11.2014, the operative part of which reads as follows:

"11. We find that the applicants in this O.A. are similarly situated as the applicant in OA No.1151/2011. They are, thus, to be covered by the benefits given to the applicant in that O.A.

12. It is accordingly held that the applicants in this O.A. also be given the same benefits as given to the applicant in OA No.1151/2011 and the respondents are directed to reconsider the matter in the light of the observations of the Tribunal in that OA and to pass a reasoned order to be communicated to the applicant within a period of two months from the date of receipt of a copy of this order."

2. Learned counsel for the review applicant submitted that the order passed in OA No. 1151/2011 was challenged by the OA respondents in Writ Petition No. 300/13 before Hon'ble High Court of Delhi. Hon'ble High Court vide their order dated 13.03.2013 has set aside the order of this Tribunal and remanded the matter back to the Tribunal for fresh hearing. Learned counsel argued that on this basis, order in the present OA also needs to be reviewed.

3. Learned counsel for the review applicant (respondents in the OA) argued that OA No. 1151/2011 was remanded as decision in that case was given by the Tribunal without issuing notice to the respondents whereas in the present OA sufficient opportunity had been granted to the respondents.

4. Be that as it may, it is seen that the direction in this OA was to follow the order passed in OA No. 1151/2011. Since that order itself has been set aside, our order directing the respondents to extend the benefits of order in OA No. 1151/2011 cannot survive. Hence, we allow this RA and recall our aforesaid order. The OA is restored for fresh hearing.

5. List the OA for fresh hearing on 23.09.2016.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/