

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

**RA-55/2015 in
OA-4307/2011**

New Delhi this the 14th day of February, 2017.

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

1. The Director General,
All India Radio/Chief Executive Officer,
Akashwani Bhawan,
New Delhi.
2. Station Director,
All India Radio,
Broadcasting House,
Parliament Street,
New Delhi.
3. Union of India through
Secretary, Ministry of Information
and Broad Casting, Shastri Bhawan,
New Delhi. Review Applicants
(through Sh. S.M. Arif, Advocate)

Versus

Ms. Indu Grover,
Sr. Librarian (retd.)
A-1/247, Janakpuri,
New Delhi-110058. Respondent
(through Sh. Krishna Kr. Mishra for Sh. Sh. Padma Kr. S., Advocate)

O R D E R

Mr. Shekhar Agarwal, Member (A)

This Review Application has been filed by the respondents in O.A. for review of our order dated 22.11.2013. Along with the review

application, MA No. 1089/2015 has also been filed for condonation of delay of 452 days in filing the review application. The respondent in review application (OA applicant) has filed a reply opposing the review application both on merits as well as on limitation.

2. We have heard both sides and have perused the material placed on record. On merits, the only ground taken by the review applicants is that in the year 1992 the applicant had refused vacancy based promotion. Therefore, her case was distinguishable from that of Smt. Sudha Kalra. In response, learned counsel for the OA applicant stated that the promotion granted was not in the Librarian cadre but in the cadre of Transmission Executive. On her refusing this, she was debarred for promotion for a period of one year w.e.f. 03.03.1992. Learned counsel further submitted that this would, however, make no difference to the present case as subsequently she was granted the rationalized Librarian scale along with Smt. Sudha Kalra w.e.f. 24.07.1990 with all consequential benefits on the directions of this Tribunal in OA-2609/2003. Thus, grant of promotion in the Transmission Executive cadre had become redundant and was of no consequence. Learned counsel further argued that in any case debarment was only for a period of one year and this would make no difference for grant of the second ACP benefit, which became due to the applicant on completion of 24 years of service w.e.f. 09.08.2009 i.e. from the date of

implementation of the ACP Scheme. Sh. Padma Kumar, learned counsel also stated that even if one year of debarment is added, the applicant would have completed more than 25 years of service by 09.08.1999.

3. We have considered the aforesaid submissions. We find merit in the submissions of the review respondent (OA applicant). In any case, we notice that this issue of debarment was not raised by the OA respondents when the OA was being decided. No cogent reasons have also been given for this omission. Thus, OA respondents cannot now be allowed to raise this issue now at the stage of RA. Thus, on merits no case for review is made out.

3.1 We also find that the review applicants have filed an application for condonation of delay of 452 days in filing the review application. The only reason given for this delay by them in their application is that it took place due to inter Ministerial consultation. In our opinion, delay of 452 days on this ground is not justifiable.

4. Therefore, both on merits as well as on the ground of delay, we do not find any substance in this review application. Accordingly, the same is dismissed. No costs.

(Raj Vir Sharma)
Member (J)

/Vinita/

(Shekhar Agarwal)
Member (A)