

**Central Administrative Tribunal
Principal Bench**

**RA No.287/2016 in
OA No.2026/2010**

New Delhi, this the 4th day of September, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Uday Kumar Varma, Member (A)**

1. Stenographers Association, CWPD (Regd.)
Through its Organising Secretary,
Mr. B.R. Baweja, O/o Chief Engineer
Commonwealth Project Zone,
PWD, 9th Floor, MSO Building,
I.P. Estate, New Delhi-02.
2. Mrs. Nirmala Arya, Aged about 52 years
W/o Sh. M.L. Arya
R/o House No.207, Sector-5
R.K. Puram, New Delhi-22
3. P.P. Ratabiraman,
Block-6/659, Lodhi Colony,
New Delhi-110003.Applicants

(By Advocate: Shri M.K. Bhardwaj)

Versus

1. Union of India
Through its Secretary,
Ministry of Urban Development
Nirman Bhawan, New Delhi-11
2. The Director General
Central Public Works Department
Nirman Bhawan
New Delhi-110001. ... Respondents

(By Advocate: Shri R.N. Singh)

ORDER (ORAL)**Justice Permod Kohli :-**

This Review Application is directed against the judgment dated 11.09.2015 passed in OA No.2026/2010 whereby the claim of the applicant for alleged parity w.e.f. 01.01.1996 with the Non-Secretariat Stenographers has been rejected and the OA was dismissed. The applicant preferred a Writ Petition No.9397/2016 against the aforesaid judgment before the Hon'ble High Court of Delhi. The said Writ Petition was, however, withdrawn with liberty to the petitioner to approach the Tribunal by way of Review Application. The Order/observations of the Hon'ble High Court reads as under:-

"After some hearing learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to approach the tribunal by way of a review application. If any review application is filed, the tribunal will bestow consideration as per law.

Petition is dismissed as withdrawn with liberty as prayed for."

2. It is under these circumstances that the present Review Application has been filed. Shri M.K. Bhardwaj, learned counsel for the review applicant submits that the High Court has granted liberty to the petitioner to file the present review. His further contention is that the High Court has categorically observed that if the review application is filed, the Tribunal will bestow consideration as per law. Accordingly, his contention is that in

view of the observation of the Hon'ble High Delhi High Court, the review petition is necessarily to be admitted. We are unable to accept this contention.

3. It is further contended by Shri Bhardwaj that while deciding the OA No.1093/2006, this Tribunal had granted the relief to the applicants therein, whereas vide the impugned judgment, relief has been denied to the applicants in the present Petition. We have considered the order passed in earlier OA referred to above. OA No.1093/2006 was disposed of by this Tribunal vide Order dated 02.04.2007 with the following observations:-

"In the light of a statement made by the respondents in reply as to the fact that stagnation of stenographers and a proposal for restructuring of the cadre of subordinate offices of CPWD is under consideration, this OA is disposed of with a direction to the respondents to take a final decision as to the restructuring within a period of three months from the date of receipt of a copy of this order. In that event, applicant would be entitled to all consequential benefits at par with the counter-parts, who have been accorded the same. No costs."

4. From perusal of the aforesaid order, we find that no findings were recorded on merits in the said OA. The only direction was to take a final decision as to the restructuring within a period of three months from the date of receipt of copy of the order. It was further observed that in that event the applicant would be entitled to consequential benefits at par with his counter parts. In any case, this is not a finding on merit of the controversy. The applicant has to independently satisfy the court that there is an

error apparent on the face of record in the impugned judgment dated 11.09.2015 or satisfy other grounds envisaged under Order 47 Rule(1) of Code of Civil Procedure, read with Rule 17 of the Administrative Tribunals Act, 1985. No such error/ground has been pointed out. The judgment is well reasoned after discussing all the contentions of the parties. We do not find that there is any error apparent on the face of record warranting interference by the Tribunal in exercise of the review jurisdiction. No merit. Review is dismissed.

(Uday Kumar Varma)
Member(A)

(Justice Permod Kohli)
Chairman

/vb/