

Central Administrative Tribunal Principal Bench, New Delhi

R.A. No.252/2016 in O.A. No.3583/2012

Friday, this the 2nd day of November 2018

Hon'ble Mr. K.N. Shrivastava, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

1. Mahanagar Telephone Nigam Ltd. Through
CMD, Jeevan Bharti Tower, 12th Floor
Connaught Place, New Delhi – 110 001
2. The General Manager (NP)
Mahanagar Telephone Nigam Ltd.
Telephone Exchange Building
1st Floor, Nehru Place, New Delhi
3. The General Manager (A)
Mahanagar Telephone Nigam Ltd.
Khursheed Lal Bhawan, New Delhi
4. The Deputy General Manager (EM)
Mahanagar Telephone Nigam Ltd.
Telephone Exchange Building
1st Floor, Nehru Place, New Delhi
5. The Deputy General Manager
Mahanagar Telephone Nigam Ltd.
Khursheed Lal Bhawan, New Delhi

.. Review Applicants

(*Nemo*)

Versus

Smt. Premewati
(Ex Work Assistant MZ – 26458)
w/o late Sh. Gajadhar Singh
r/o Q-23, Private Colony
r/o Q-23, Private Colony
Srinivas Puri, Delhi – 110 065

..Respondent / original applicant

(Mr. Amit Kumar, Advocate)

O R D E R (ORAL)

Mr. K.N. Shrivastava:

This Review Application has been filed by the applicants (original respondents) seeking review of Tribunal's order dated 22.08.2013 passed in

O.A. No.3583/2012, wherein the following directions were issued to the respondents:-

“32. In view of the aforesaid position, we allow this Original Applicant and quash and set aside orders dated 15.03.2012 and 25.04.2011 imposing penalty of compulsory retirement from service upon the applicant. As the very charges against the applicant themselves are vague and the findings of the enquiry officer is perverse, we direct the respondents to reinstate the applicant in service forthwith with all consequential benefits. The aforesaid directions shall be complied with, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.”

2. The original respondents challenged the aforesaid order of the Tribunal before the Hon'ble Delhi High Court in W.P. (C) No. 7150/2013 and C.M. No.15395/2014, which was dismissed by the Hon'ble High Court vide order dated 29.04.2014. Not only that, the Hon'ble High Court also imposed a cost of ₹50,000/- upon the original respondents. The relevant portion of the said order is extracted below:-

“22. The instant writ petition was completely unwarranted. Valuable judicial time has also been wasted in its consideration. We are of the view that the petitioners are required to be burdened with heavy costs.

23. This writ petition is, therefore, dismissed with costs which are quantified at Rs.50,000/-. The costs shall be paid to the respondent within two weeks.”

3. The original respondents filed Review Petition No.271/2014 and C.M. No.10609/2015 in the said W.P. before the Hon'ble High Court seeking review of order dated 29.04.2014. The Hon'ble High Court, vide order dated 22.07.2016, allowed the said Review Petition in the following terms:-

“(i) The order dated 29th April, 2014 passed by us is hereby recalled.

(ii) Liberty is given to the petitioners to seek review of the order dated 22nd August, 2013 passed in O.A. No.3583/2012 by the Central Administrative Tribunal, Principal Bench, New Delhi. Inasmuch as the matter has remained pending in this court from as back as November, 2013, in case the review is filed within four weeks from today, the same shall not be rejected on grounds of the same being beyond the statutory period of limitation but shall be heard and adjudicated on merits.

(iii) So far as the service of the respondent as well as payments due and payable to her are concerned, the parties are given liberty to make their respective claims and submissions in this regard and they shall abide by the orders which Central Administrative Tribunal may pass.”

4. Pursuant to the liberty granted, the original respondents filed the instant Review Application. It is noticed from the records that on the earlier date of hearing, i.e., on 26.10.2018, there was none for the review applicants. Today also, there is none present for them.

5. We have gone through the records and find that the grounds pleaded by the review applicants for seeking review of Tribunal's order dated 22.08.2013 are not at all convincing. The action of review applicants only indicates that they have been indulging into the act of prevarication just to avoid implementation of Tribunal's order.

6. In view of the above, we dismiss this R.A. both on the ground of default of appearance as well as on merits. No order as to costs.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)

November 2, 2018
/sunil/