

**Central Administrative Tribunal
Principal Bench**

RA No.96/2018
In
OA No.4168/2011

New Delhi this the 23rd day of July, 2018.

Hon'ble Mr. Justice Dinesh Gupta, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)

Shri R.C. Meena, S/o Shri Ram Jivan,
Aged about 45 years,
r/o E-3, MCD Flats, Bhamasha Market,
Kamla Nagar, Delhi-110 007.

-Applicant

-Versus-

1. South Delhi Municipal Corporation,
Through its Commissioner, 9th Floor,
Dr. S.P. Mukherjee Civic Centre,
J.L. Marg, New Delhi.
2. The Commissioner,
South Delhi Municipal Corporation,
Dr. S.P. Mukherjee Civic Centre, 9th Floor,
J.L. Marg, New Delhi.
3. The Commissioner,
North Delhi Municipal Corporation,
Dr. S.P. Mukherjee Civic Centre, 9th Floor,
J.L. Marg, New Delhi.
4. Director (Personnel),
South Delhi Municipal Corporation,
Dr. S.P. Mukherjee Civic Centre, 22nd Floor,
J.L. Marg, New Delhi.
5. Director (Vigilance),
South Delhi Municipal Corporation,
Dr. S.P. Mukherjee Civic Centre, 26th Floor,
J.L. Marg, New Delhi.

-Respondents

O R D E R (By Circulation)**Mr. K.N. Shrivastava, Member (A):**

Through the medium of this Review Application (RA), filed under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, the applicant, who was original applicant in OA No.4168/2011, has sought review of order dated 23.05.2018 passed in the said OA. In para-3 of the RA it is stated that in para-2.1 and 2.2 of the Tribunal's order under review, the facts noted do not pertain to the applicant and in fact they pertain to Shri N.C. Meena, who had filed OA No.2605/2009, which was disposed of vide order dated 28.09.2010. It is further stated that the applicant is a direct recruit Assistant Engineer and that he was not a party to the Writ Petition No.5985/2002 filed before the Hon'ble High Court of Delhi. It is further stated that the ratio of law declared by the Hon'ble Tribunal in OA No.2605/2009 *qua* N.C. Meena is equally applicable to the applicant.

2. Another ground raised in the RA, seeking review of the Tribunal's order is that the Tribunal in para-13 to 16 of the order, while directing the respondents to process the case of the applicant for grant of reliefs 8 (b) & (c) therein, has not fixed any timeframe for it. It is further stated that the respondents had filed additional affidavit way back in the year 2015, averring *inter alia*, therein that

review DPC is going to be held but even after a lapse of three years no DPC has been held by the respondents.

3. We have perused the contents of the RA and verified the records. We find that inadvertently the facts pertaining to Shri N.C. Meena, applicant in OA No.2605/2009 have been noted in paras 2.1 and 2.2 of the order. As such there is an apparent error which needs to be corrected. Accordingly, it is directed that paras 2.1 and 2.2 of the order should read as under:

Para 2.1

The applicant, who is a degree holder Engineer and belongs to Scheduled Tribe category, was appointed as Assistant Engineer (Civil) in 1998 against the direct recruitment quota. He was assigned look after charge of the higher post, i.e., Executive Engineer (Civil) from 21.03.2005, which was however discontinued from 08.09.2005. As the post of Executive Engineer is required to be filled up 100% by promotion from amongst the eligible Assistant Engineers (Civil), the applicant claims that he became eligible for promotion to the said post in the year 2003. It is stated that the DPC convened in the year 2008, did not consider the applicant for promotion to the post of Executive Engineer (Civil) despite the fact that he was under zone of consideration and sufficient number of vacancies were available.

Para 2.2

One of the colleagues of the applicant, namely Shri N.C. Meena, who was also not considered by the DPC for promotion to the post of Executive Engineer, filed OA No.2605/2009 which was decided by

this Tribunal vide order dated 28.09.2010, directing the respondents to convene review DPC for the available vacancies of ST category for the post of Executive Engineer (Civil) and to consider the applicant therein after preparing a separate zone of consideration of eligible ST officers.

4. As regards prayer of the review applicant, seeking fixation of timeframe for holding review DPC, suffice to say that no fresh order can be passed in RA and as such this prayer is rejected. Registry is directed to replace paras 2.1 and 2.2 in the order dated 23.05.2018 by the new paras 2.1 and 2.2, mentioned in para-3 supra. Accordingly, this RA stands disposed of in circulation.

(K.N. Shrivastava)
Member (A)

(Justice Dinesh Gupta)
Member (J)

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