

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

R.A. No.269/2016

In

O.A. No.3541/2012

Reserved On: 28.01.2019

Pronounced On: 01.02.2019

Hon'ble Sh. V. Ajay Kumar, Member (J)

Hon'ble Ms. Aradhana Johri, Member (A)

1. Ashok Kumar Tanwar,
S/o Nafe Singh
Aged about 50 years
Assistant Teacher
M.C.Primary School,
Mongolpuri, M-II, New Delhi-83.

2. Ram Niwas
S/o Shri Ram Kishan
Aged about 47 years
Assistant Teacher
M.C.Primary School,
P-II Mongolpuri, M-II,
New Delhi-83.

...Review Applicants

(By Advocate: Shri Ranjit Sharma)

Versus

1. North Delhi Municipal Corporation, through
The Commissioner at Minto Road
S.P.Marg,
New Delhi-2.

2. Director of Education
North Delhi Municipal Corporation,
at Minto Road,
S.P.Marg,
New Delhi-2.

3. Deputy Director of Education
Rohini Zone North Delhi Municipal Corporation,
New Delhi-83.

...Respondents.

(By Advocate: Mrs. Anupama Bansal)

ORDER**Mr. V. Ajay Kumar, Member (J) :-**

The applicants, 2 in number, and working as Assistant Teachers in the North Delhi Municipal Corporation, filed the OA seeking a direction to grant first ACP with effect from 10.05.2005 and 16.03.2006 respectively with all consequential benefits including arrears.

2. This Tribunal, after hearing both sides, dismissed the OA by its order dated 23.04.2014. This Tribunal while dismissing the OA, in addition to rejecting the contentions of the applicants, on merits, also considered and rejected their contentions that the respondents have granted the benefit to one Smt. Neelam Devi, Assistant Teacher in the South Delhi Municipal Corporation, but illegally rejected to them.

3. The applicants filed the instant review by submitting that after the OA was disposed of, they came to know that the respondents have granted the reliefs in respect of one Shri Mukesh Rana, teacher in North Delhi Municipal Corporation itself and also in respect of certain other teachers of South Delhi Municipal Corporation. Shri Ranjit Sharma, the learned counsel for the applicants submits that since the applicants could not place the said documents before this Tribunal, at the time of disposal of the OA, this Tribunal erroneously dismissed the OA.

4. Heard Shri Ranjit Sharma, the learned counsel for the review applicants and Mrs. Anupama Bansal, the learned counsel for the respondents and perused the pleadings on record.

5. This Tribunal dismissed the O.A. No. 3451/2012 of the applicants by its order dated 23.04.2014. Admittedly, the pay fixation order filed as Annexure A-5 to the review application in respect of Shri Mukesh Rana of North Delhi Municipal Corporation wherein he was granted the pay fixation is dated 6.02.2015, i.e., subsequent to the disposal of the OA. Similarly, the proceedings on which the review applicants are relying in respect of the teachers of South Delhi Municipal Corporation, i.e., Office Order dated 21.10.2015 also subsequent to the disposal of the OA.

6. It is settled principle of law that the circumstances occurred or orders issued subsequent to the disposal of the OA, cannot be valid grounds for reviewing the orders which were passed prior to the same.

7. In the circumstances and for the aforesaid reasons, we do not find any merit in the RA and accordingly the same is dismissed. However, this order shall not preclude the applicants from availing

their remedies, in accordance with law, if the respondents discriminated them in any manner by granting the benefits subsequent to the disposal of the O.A. No costs.

(Aradhana Johri)
Member(A)

(V. Ajay Kumar)
Member(J)

RKS