

Central Administrative Tribunal Principal Bench, New Delhi

R.A. No.295/2015 in O.A. No.2553/2013

Monday, this the 18th day of February 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Union of India through

1. Secretary
Ministry of Urban Development
Nirman Bhawan, New Delhi
2. Director General
Central Public Works Department
Nirman Bhawan, New Delhi

..Applicants/Respondents
In O.A.

(Mr. S K Tripathi, Advocate for Mr. Gyanendra Singh, Advocate)

Versus

1. All India CPWD Office Staff Association
Through its General Secretary
Mr. Rajesh Kumar Srivastava
C Wing, Ground floor
Near Generator Room
IP Bhawan, New Delhi-2
2. Mr. Pradeep Singh Bist, Age 44 years
s/o Mr. K S Bist
r/o Flat No.167, Sector 5
R K Puram, New Delhi-22
3. Mr. Sanjeev Kumar, Aged 48 years
s/o Mr. Chandra Bhan
r/o F-2887, Betaji Nagar
New Delhi-23
4. Mr. Pankaj Atri, Age 42 years
s/o late Mr. R C Sharma

r/o 165/16, Shivaji Nagar
Gurgaon (HR)

.. Respondents/
Applicants in O.A.

(By Advocate: Mr. S K Gupta)

O R D E R (ORAL)**Justice L. Narasimha Reddy:****R.A. No.295/2015**

This Review Application is filed by the respondents in O.A. No.2553/2013 with a prayer to review the order dated 15.09.2014 passed in the O.A.

2. The applicants herein contend that they never authorized their counsel to concede that the subject matter of the O.A. is covered by the decision of Hon'ble Punjab & Haryana High Court in CWP No.19387/2011, and despite that, the O.A. was disposed of as though there was a concession on behalf of the applicants herein also.

3. We heard Mr. S K Tripathi for Mr. Gyanendra Singh, learned counsel for applicants and Mr. S K Gupta, learned counsel for respondents in R.A.

4. The order passed in the O.A. is a very brief and it reads as under:-

Learned counsels for the parties are ad idem that the controversy involved in the present Original Application is, in all fours, of the decision of Hon'ble Punjab & Haryana High Court in Union of India & others v. Raj Pal & another (CWP No.19387/2011) decided on 19.10.2011.

2. In view of the aforementioned stand taken by the parties, the Original Application is disposed of with direction to the respondents to extend the benefit of the said judgment of Hon'ble Punjab & Haryana High Court to the applicants herein also within a period of twelve weeks from the date of receipt of a copy of this Order. No costs."

5. From this, it becomes evident that the learned counsel for respondents in O.A. conceded that the controversy involved in the O.A. is covered by the decision of Punjab & Haryana High Court in CWP No.19387/2011. The applicants herein clearly mentioned that they have never authorized their counsel to concede in the O.A. The record also discloses that in the counter affidavit filed in the O.A., no concession as such was given. Therefore, unless there was any written instruction to the counsel for respondents in O.A., the concession ought not to have been given, particularly when it is seriously contested.

6. Without going into the further aspects of the matter, we allow the R.A. and recall the order dated 15.09.2014. The result would be that the O.A. is restored to file.

O.A. No.2553/2013

7. It is represented that the issue involved in this O.A. is the subject matter of SLP (CC No.8271/2014). Since this is one of the oldest O.As., we direct it to be listed for hearing on 05.03.2019.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

February 18, 2019
/sunil/