

**Central Administrative Tribunal
Principal Bench, New Delhi**

RA No. 226/2018
OA No. 4462/2017
MA No. 4713/2018
CP No. 316/2018

Order Reserved on: 05.03.2019
Order Pronounced on: 13.03.2019

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

Yashpal Gahlawat,
S/o Shri Ranbir Singh,
R/o H.No.1, Main Bus Stand,
VPO Mitraon, Near Najafgarh,
New Delhi-110043
(By Advocate: Mr. Nitin Kr. Gupta)

- Applicant in OA

Versus

1. Staff Selection Commission,
Through its Chairman,
Block No.12, CGO Complex,
Lodhi Road, New Delhi-110003
2. The Secretary-cum-Controller of Examination,
Staff Selection Commission,
Block No.12, CGO Complex,
Lodhi Road, New Delhi-110003
3. Regional Director, NR,
Staff Selection Commission,
Block No.12, CGO Complex,
Lodhi Road, New Delhi-110003
(By Advocate: Mr. Gyanendra Singh)

- Respondents

ORDER

Ms. Nita Chowdhury:

MA No. 4713/2018 seeking condonation of delay in
filing this RA is allowed for the reasons stated therein.

2. This Review Application has been filed by the respondent – SSC, seeking review of the order dated 15.12.2017 in OA No. 4462/2017 in which the following order was passed:-

“Learned counsel for the applicant states that the issue in hand is completely covered by the judgment passed by the Hon’ble High Court of Delhi on 6.12.2017 in W.P. (C) 10824/2017, **Amit Chhikara Vs. Union of India and ors.** The judgment passed by the Hon’ble High Court in Amit Chhikara (supra) is based on the judgment passed by the Hon’ble Apex Court in **Staff Selection Commission, Thr. Its Chairman and anr. Vs. Sudesh**, Civil Appeal (Nos).2836-2838/2017. Accordingly, the learned counsel for the applicant states that the Show Cause Notice dated 27.05.2013, issued to the applicant, be quashed and set aside.

2. Learned counsel for the respondents states that the applicant has come before this Tribunal at a belated stage as the Show Cause Notice is dated 27.05.2013.

3. It is seen that in the case of Amit Chhikara (supra) before the Hon’ble High Court, the Show Cause Notice was dated 14.06.2013 but the Hon’ble High Court disposed of the Writ in the light of the judgment of the Hon’ble Apex Court in Sudesh (supra). 3 OA 4462/2017

4. Accordingly, the Show Cause Notice dated 27.05.2013 is quashed and set aside and the respondents are directed to grant the same benefit to the applicant as has been granted in the case of Sudesh (supra), within a period of three months of the receipt of a certified copy of this order. The OA is disposed of.”

3. It is noticed that on previous date, i.e. 18.02.2019, last opportunity of seven days was given to the original applicant to file his response to the aforesaid RA. But today, he has not filed any response. Hence, opportunity to file the response stands forfeited.

4. Mr. Gyanendra Singh, learned counsel appeared for the review applicant-SSC and explained that the decision in this OA was passed on 15.12.2017 without giving the respondent an opportunity to present their case. He especially drew our attention to the fact that this OA has been filed for implementation of the decision in which the

applicant was not even a party and he is, in fact, a fence sitter who should have been called upon to explain the delay for filing of the OA.

5. In view of the above arguments presented by the counsel for the review applicant, and on a perusal of the order passed in this OA No. 4462/2017, we find that the OA was disposed of at the initial stage without giving the respondents a chance to file their counter affidavit and to raise their objections to the delayed filing of the OA in question. Hence, the order dated 15.12.2017 passed in OA No. 4462/2018 is recalled and the OA is restored to its original number. Accordingly, the RA is allowed. Notice be given to the original applicant for hearing of the OA in question on merits. The respondent is also directed to file their counter affidavit within four weeks. List the OA on 25.04.2019.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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