

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

R. A. NO. 173/2003  
IN  
O. A. 841/2003

New Delhi this the 19th day of July, 2003.

**Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J).**  
**Hon'ble Shri Govindan S. Tampi, Member (A).**

Union of India through  
The Secretary to  
the Govt. of India,  
M/o Defence,  
New Delhi & Anr. .... Applicants.

Versus

Shri Abhay Manglik,  
Executive Engineer,  
D-6, Officers Service Flats,  
DRDO Complex, Timarpur,  
Delhi. .... Respondent.

O R D E R (By Circulation)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J).

RA 173/2003 has been filed by the Union of India through the Secretary, Ministry of Defence, praying for recall of Tribunal's order dated 28.3.2003 in OA 841/2003.

2. The aforesaid order of the Tribunal dated 28.3.2003 is an oral order which was passed after hearing learned counsel for applicant but without issuing any notice to the respondents giving them certain directions. A perusal of the order shows that this has been done taking into account the submissions of the learned counsel for the applicant who had referred to the decision of the Hon'ble Allahabad High Court dated 9.8.2001. It had been noticed that considerable time has elapsed during which time the

review DPC could have been held. Accordingly, the respondents were directed to take necessary steps in order to hold the review DPC.

3. In RA 173/2003, the review applicants/Union of India have stated in Ground (H) that they being aggrieved by the aforesaid judgement of the Hon'ble Allahabad High Court dated 9.8.2001 had filed SLP (Civil) No. 144/2002 before the Hon'ble Supreme Court. This petition was heard on 18.1.2002 wherein the Hon'ble Supreme Court has granted SLP but no stay. In view of that, the review applicants have stated that the judgement of the Hon'ble High Court has not become final and the matter is subjudice before the Hon'ble Supreme Court.

4. In view of the above facts brought out by the review applicants, as there is an error apparent on the face of the record, RA 173/2003 is allowed. Accordingly, the order dated 28.3.2003 in OA 841/2003 is recalled.

5. Let a copy of this order be issued to both the parties.

6. List O.A. 841/2003 on 8.8.2003.

(Govindan S. Tampi)  
Member (A)

SRD

(Smt. Lakshmi Swaminathan)  
Vice Chairman (J)

Lakshmi Swaminathan

RA

Item NO.6

O.A. No.841/2003

8.8.2003

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Present : Shri M.L. Ohri and Shri K.L. Bhandula,  
learned counsel for the applicant

Shri R.P. Aggarwal, learned counsel for  
the respondents

OA 841/2003 has already been disposed of by  
Tribunal's order dated 28.3.2003. Further it is  
noticed that RA 173/2003 filed by the respondents in  
OA 841/2003 has been disposed of in circulation by  
Tribunal's order dated 14.7.2003. However, both  
learned counsel submit that they have not received a  
copy of this order.

Registry is directed to issue a copy of the  
aforesaid order of the Tribunal dated 14.7.2003 in RA  
173/2003, immediately to both the learned counsel.

Shri M.L. Ohri, learned counsel for the  
applicant has also prayed that a copy of RA 173/2003  
may be given to him. Order accordingly.

  
(R.K. Upadhyaya)

Member (A)

  
(Smt. Lakshmi Swaminathan)

Vice Chairman (J)

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