

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

6
16

RA No. 271/2003

in

OA No. 1569/2003

New Delhi, this the 18th day of November, 2003

Hon'ble Shri Shanker Raju, Member (J)

In the matter of:

Chief Secretary & Anr. ..Review applicants

(By Advocate: Shri Aiesh Luthra)

Versus

B.B.Kumar & Anr. ..Respondents

(By Advocate: Shri V.S.R. Krishna)

O R D E R

Through the present RA, respondents in OA have sought review of order dated 26.02.2003 for recalling the order passed in OA No. 1569/03 at the admission stage even without issuing notice to the respondents:-

"MA-1309/2003 for joining together in a single application is allowed.

2. Shri V.S.R. Krishan, presses the case of the applicants who are working as Stenographers seeking consideration for promotion to the post of DASS Grade-I in accordance with the Statutory Recruitment Rules. He states that OA-1195/2001 filed by similarly situated persons had been allowed by this Tribunal on 27.02.2002. Learned counsel for the applicants also states that similar relief would be considered.

3. Accordingly, I dispose of the present OA at the admission stage itself even without issue of notices to directing the respondents to consider the case of the applicants, who are similarly placed in OA 1195/1995 and to take action appropriately as directed in the said OA and if found fit give the present applicants all consequential benefits. This exercise shall be done within a period of three months from date of receipt of a copy of this order."

7

2. Learned counsel for the respondents Shri Ajesh Luthra states that the applicants are not similarly situated^u with applicants in OA 1195/2001 on two grounds: firstly they have not opted for their promotion to Grade-I as well as DASS Rules, 1967, which were amended on 25.5.2002 wherein the promotional avenue for Stenographers to Gr.II is only Sr. P.A. and for Grade-I DASS Service, feeder category of Stenographers has been taken off.


3. It is in this conspectus stated that review can also be entertained on any sufficient ground as per Order 47 Rule 1 CPC.

4. Shri Krishna, answering respondents in RA, vehemently opposed the contentions of the review applicants and stated that in all four applicants are covered and similarly circumstanced with the applicants in OA No. 1195/2001 and are also to be given the same benefits. It is stated that prior to amendment in the rules, Stenographer Gr.II was a feeder category to DASS Grade-I Service. As their right to promotion accrued in the post they are to be considered as per rules in vogue and not amended rules of 2002.

5. I have carefully considered the rival contentions of the parties and perused the material on record.



6. Review, as per the decision of the Apex Court in Surjit Singh vs. , 1997 (10) SCC 592 can be entertained in the interest of justice and if any mistake committed, the Tribunal is duty bound to correct the same. We find that the review regarding applicants in OA, being similarly circumstanced as that of the applicants in OA 1195/2001 is being contentious, disposal of the OA on the statement of the applicants that they are similarly situated and without going into the similarity by issuing any notice to the respondents constitute an error apparent on the face of record and it is a sufficient reason to allow the present RA. Accordingly, the RA is allowed. However, keeping in view the directions and after hearing the parties, respondents are directed to consider the claim of the applicants in the light of decision in OA 1195/2001 for consideration for promotion to Grade-1 of DASS Service. In the event applicants are not found similarly placed, a speaking order to this effect would be passed within two months from the date of receipt of a copy of this order.


(Shanker Raju)
Member (J)

/NA/