

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

REVIEW APPLICATION NO. 170/00059/2019

IN

ORIGINAL APPLICATION No.170/00349/2018

DATED THIS THE 13TH DAY OF NOVEBER 2019

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI CV. SANKAR, MEMBER (A)

1.The Union of India,
(Represented by its Secretary),
Ministry of Information and Broadcasting

2.The Director,
Ministry of Personal & Public
Grievances & Pensions, (DOPT)
North Block, New Delhi – 110 001

3.The Secretary,
Union Public Service Commission,
New Delhi

4.The Chief Executive Officer,
Prasar Bharati, Doordarshan,
New Delhi – 110 001

5.The Director General,
Doordarshan, Doordarshan Bhavan,
New Delhi

6.The Dy. Director General (P)
Doordarshan Kendra,
Bangalore

...Review Applicants.

(By Shri V.N. Holla, Sr. Panel Counsel)

Vs.

B.V. Hariprasad
Cameraman Gr. II CRD Maktg. Divn.
Bangalore

...Review Respondent

(By Advocate Shri N. Obalappa)

O R D E R (ORAL)

HON'BLE DR. K.B. SURESH, MEMBER(J)

1. Heard. On the ground that a Co-ordinate Bench of the Tribunal may have taken another view in the matter, this Review seems to be filed. We had, therefore, carefully gone through the Co-ordinate Bench judgement. But the issue involved in this case is only that whether based on the order of the Hon'ble Supreme Court and which had been implemented for others like him, can the juniors of the applicant be allowed to march over them. Therefore, we do not think that the earlier order of the Co-ordinate Bench will bind us in any way as pertinent matters were considered by them and the theory of **Sub silentio** will therefore, hold the field.

2. The other ground taken by Shri V.N. Holla, learned counsel for the respondents seems to be that they have only regularized these people following the Hon'ble Apex Court judgement. But, it does not mean that they ought to have been regularized. That is one contention which is above the law and in direct transgression of the law on the subject. When the Hon'ble Apex Court had directed to regularization pith

and substance of that judgement have to be followed by all authorities to the nth degree and there cannot be any deviation from it.

3. We asked Shri V.N. Holla whether he has any more grounds to urge. He says that we have covered all the grounds. Therefore, no merit in the RA. RA is dismissed. No order as to costs.

4. MA.588/2019 for condonation of delay is allowed as the matter is decided on merit.

(CV. SANKAR)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

bk

Annexures referred to by the applicants in RA.No.59 /2019

Annexure RA-1: Copy of order 2.4.2019 in OA.No.349/2018

Annexure RA-2: Copy of Gazettee Notification dated 5.12.1987

Annexure RA-3: Copy of OM dated 16.5.2019

Annexure RA-4: Copy of letter of the applicant dated 29.5.2019

Annexure RA-5: Copy of Central Administrative Tribunal,
Principal Bench order dated 5.8.2016

Annexure RA-6: Copy of Central Administrative Tribunal,
Principal Bench order dated 16.9.2016

Annexures referred in reply

Annexure-A19: Copy of the order dated 11.4.1989 & 6.7.1992

Annexure-A20: Copy of the FAQ &OM dated 9.6.1992

Annexure-A21: Copy of the seniority list of Cameraman Grade-II
as on 9.10.1990

.....

bk