
(2020) 12 CAT CK 0054

In the Central Administrative Tribunal

Case No : Review Application No. 66 Of 2020, Miscellaneous Application No. 1592 Of 2020 In Original Application No. 4033 Of 2015

Union Of India And Others

APPELLANT

Vs

Mohammad Zahid Siddiqui

RESPONDENT

Date of Decision : 14-12-2020

Acts Referred:

Citation : (2020) 12 CAT CK 0054

Hon'ble Judges : A. K. Bishnoi, Member (A); R.N. Singh, J

Bench : Division Bench

Advocate : Piyush Gaur, Yogesh Sharma

Final Decision : Dismissed

Judgement

R. N. Singh, Member (J)

MA 1592/2020

1. By way of MA 1592 of 2020, the review applicants have sought condonation of delay of 62 days in filing of the aforesaid Review Application. Shri

Gaur, learned counsel for the review applicants, submits that a certified copy of the Order/Judgment dated 11.12.2019 was received by the

respondents in January 2020 and thereafter the opinion of the attending counsel was obtained by the review applicants and the matter was processed.

After the matter on being processed in the offices of the review applicants at various stages, the competent authority came to the conclusion that the

Review Application is required to be filed for seeking review of the Order/Judgment dated 11.12.2019 in the aforesaid OA.

2. For the reasons given therein in the MA and keeping in view the facts and circumstances, the MA is allowed and the delay in filing the aforesaid

review application is condoned.

RA No.83/2020

The present RA has been filed by the respondents in Original Application seeking review/recall of the order/judgement dated 11.12.2019 passed in the aforesaid OA.

2. The undisputed fact of the present case is that the applicant was promoted vide order dated 01.05.2005 from the post of Skilled Welder to Welder

Highly Skilled Grade. The applicant was allowed to work by the respondents to such promotional post uninterrupted with all consequential benefits for

more than 7 years. However, vide order dated 21.04.2012, the respondents have reverted the applicant from the said promotional post without giving

any show cause notice. Aggrieved by the order dated 21.01.2012, the applicant has approached this Tribunal by way of aforesaid OA. After hearing

the learned counsels for the parties in OA, this Tribunal has passed the order/judgment dated 11.12.2019, paras 7 & 8 thereof read as under:-

“7. From the above facts and from the facts ascertained at the time of hearing from the counsel for the respondents, it is crystal clear

that the respondents have not given any option or opportunity to the applicant before passing the impugned order dated 21.07.2012.

Therefore, we are of the view that the order dated 21.07.2012, passed without giving an opportunity of hearing to the applicant, is

therefore, arbitrary and illegal. Consequently, the impugned order dated 21.07.2012 is set aside with respect to the applicant. The counsel

for the respondents further submitted that Annexure A-2 order dated 01.07.2015 has been passed after considering the representation of

the applicant. But, since the original order dated 21.07.2012 is passed without giving any opportunity to the applicant, subsequent order

dated 01.07.2015 is also set aside.

8. In view of above, the respondents are directed to give an opportunity of hearing or option to the applicant with regard to their taking

action on the basis of the above-said structuring or restructuring. Thereafter considering the representation submitted by the applicant, the

respondents are at liberty to take action as per law within two months from the date of receipt of certified copy of this order.

There shall be no order as to costs.”

3. Learned counsel for the review applicants argued that vide order dated 21.07.2012, impugned by the applicant in the aforesaid OA, they have

revised the promotion of 67 persons and if the order dated 11.12.2019 is not reviewed, the same will lead a pandora box of avoidable litigations.

However, he does not dispute that order dated 21.7.2012 was passed by the review applicants without issuing a show cause notice and without

following the principles of natural justice. No other grounds requiring the review of the aforesaid Order/judgment dated 11.12.2019 has been argued.

4. We have considered the submissions made by the learned counsel for the review applicants and we have also perused the pleadings available on

record as well as the Order/Judgment sought to be reviewed. In para 7 of the said Order/Judgment, it is clearly recorded by this Tribunal that the

impugned order dated 21.7.2012 is set aside with respect to the applicant. Therefore, it is misconceived at the end of the review applicants that the

Order/Judgment dated 11.12.2019 is likely to open a Pandora Box and avoidable litigations. Moreover, once it is admitted case that the impugned order

dated 21.7.2012 passed by the review applicants in violation of principles of natural justice, we do not find any illegality in the Order/Judgment sought

to be reviewed by the review applicants.

5. In view of the facts as noted herein above, we do not find any merit in the Review Application and the same is accordingly dismissed.