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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A.159/2002 IN
OA NO.461/2002

New Delhi, this the 16th day of July, 2002

HON'BLE SHRI S.A.T. RIZVI, MEMBER (ADMN)

Nepal Singh & Ors. ... Applicants

Versus

Union of India & Others ... Respondents

O R D E R (By Circulation)

The present RA has been filed against the order dated 7.3.2002 passed by this Tribunal in OA-461/2002 by which a direction has been given to the respondent No.3 in that OA to consider the claims of the applicants therein for regularization against available vacancies and in accordance with the relevant rules.

2. I have perused the aforesaid order and find that it has been passed without expressing any views on the merits of the applicants' claims. All that has been done is that the respondents have been directed to consider the applicants' claims for regularization against such vacancies as might be available in accordance with the relevant rules. There is no determination of the rights of the parties.

3. Order XLVII Rule 1 of the CPC provides that a party aggrieved by a decree or an order can seek a review of the order only if the decree or the order, as the case may be, has been passed against him. In the present case, no order has been passed against the respondents. They have simply been asked to consider the applicants'

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claims in accordance with the rules and subject to vacancies being available. This would mean that if no vacancies are available, the respondents are not obliged to proceed further and like-wise, if the rules do not permit regularization, there is no obligation cast on the respondents to regularize the applicants. Needless to say that in either case, passing of an order stating the reasons for the respondents' inability to regularize the applicants will amount to sufficient compliance of the order in question.

4. No mistake or error apparent on the face of the record has been alleged and no other sufficient reason has been cited in support of the present RA. In the circumstances and having regard to the clarifications given in the previous paragraphs, the RA is found to have no force nor merit. The same is, therefore, liable to be rejected.

5. The present RA has been filed after a delay of more than two months. The reasons given in the application for condonation of delay are not convincing. The present RA is, therefore, time barred as well.

6. In the light of the foregoing, the RA is rejected.



(S.A.T. RIZVI)
MEMBER (A)

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