

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA NO.45/2003 &
MA NO.599/2003 in
OA NO.1427/2002

NEW DELHI, THIS THE 21ST DAY OF MARCH, 2003.

HON'BLE MR.JUSTICE V.S.AGGRAWAL, CHAIRMAN

HON'BLE MR. V.K.MAJOTRA, MEMBER (A)

1. Hari Bhushan
S/o Late Shri G.R. Thukral,
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2. Mrs. G. Manchanda
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3. Anuj Vats S/o Shri S.P. Vats,
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4. Mrs. (Dr.) Daisy Raina
W/o Shri Stish Bhatt,
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5. Mrs. Shobhna Yadav
W/o Sanjeev Kumar Yadav,
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6. Mrs. Neelam Kassarwani
W/o Rakesh Chandra Kesarwani,
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7. Mrs. Neera Chandra W/o Shri Sanjay Chandra,
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8. Arvind Kumar S/o Shri S.P. Gupta,
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9. Vijay Singh Sengar
S/o Late V.S. Sengar,
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2. Director, Directorate of Training
& Technical Education
Muni Maya Ram Magr
Pitam Pura, New Delhi.

3. Principal
Aryabhat Polytechnic,
G.T.Karnal, New Delhi.

4. Principal
Pusa Polytechnic
Jhansi (U.P.)

5. Principal
Kasturba Polytechnic
Pitam Pura, Delhi

.. Respondents

(By Advocate: Shri George Paracken)

O R D E R (ORAL)

Justice V.S. Aggarwal:-

This Tribunal had disposed of OA-1427/02 on 23.1.2003. The same was disposed of with the findings which we reproduce below:-

"5. Respondents have submitted in their counter and documents enclosed therewith the details of candidates who were selected on regular basis by UPSC. They have also furnished details of lecturers who joined on selection by UPSC. They have related appointment of regularly selected candidates with the posts hitherto occupied by applicants. As per the terms of appointment of their services and continuation of their services on contract basis, applicants have not acquired any right for perpetual engagement as lecturers. They may be fully qualified and experienced for appointment as lecturers but unless they are selected by UPSC, they cannot have any preference against regularly selected candidates. Respondents have been able to explain that even though posts occupied by applicants were filled up on regular recruitment by UPSC, applicants were continued on contractual basis by adjustment against fresh vacancies in certain disciplines. Such dispensation is not available when posts occupied by applicants are no longer vacant. However, respondents fairly concede that applicants would be considered for part-time appointment against future vacancies till they are filled by UPSC.

VS Ag

6. Having regard to the reasons recorded above, we do not find any infirmity with respondents' orders terminating the services of applicants. However, in view of the long service of applicants with respondents as contractual lecturers, it is directed that in case respondents consider recruiting personnel on contract or part-time basis against fresh vacancies till they are filled up on regular basis through UPSC, applicants shall be considered on preferential basis against fresh candidates."

In this process, keeping in view the totality of facts that were brought before us, the only relief granted was that keeping in view the long service of the applicants therein on contractual basis only in case the respondents fill up the post on contractual basis or part-time basis, the applicants were to be given preference.

2. By virtue of the present application, the applicants seek review of the said order. Though details have been given with respect to the alleged vacancies, we take liberty in stating that the sum and substance of the assertions is that the vacancies still exist in different disciplines with the respondents and, therefore, the above-said order should be recalled.

3. Needless to state that the application is being contested. During the course of submissions, the learned counsel for the applicants has drawn our attention to the decision of this Tribunal in the case of Sunil Bist & Ors. Versus Govt. of NCT of Delhi in OA-32/2002 rendered on 17.1.2003. We find no reason to draw parity with the said controversy because therein during the course of submissions, it had been noted that there were ~~4~~ vacancies available and, therefore, in case of some persons, the relief claimed was granted.

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4. What is the position herein? Perusal of the judgment which the applicants seek to be reviewed, relevant portion of which has been reproduced above, clearly shows that it had been noted that regular appointments had been made through the Union Public Service Commission. Once it is so, we will not be justified in hearing the arguments all over again as if these are fresh arguments before us. There is no error apparent on the face of the record. Detailed scrutiny will not be permissible in a review application. Therefore, the review application must fail and is dismissed. Necessarily the stay granted would be automatically vacated.

V.K.Majotra

(V.K.Majotra)
Member (A)

V.S. Aggarwal

(V.S. Aggarwal)
Chairman

/sns/