

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.89/2004 in OA No.2265/2002

New Delhi, this the 20th day of April, 2004

Hon'ble Shri Justice V.S. Aggarwal, Chairman  
Hon'ble Shri S.K. Naik, Member(A)

All India Association of Assistant  
Superintendents(I) & Anr. .... Applicants  
(Shri B.S. Mainee, Advocate)

versus

Union of India & Others .... Respondents

ORDER(in circulation)

Shri S.K. Naik

MA 691/2004 for condonation of delay in filing RA  
beyond the period of limitation is allowed.

2. Applicants seek review of order dated 19.12.2003 by which OA No.2265/2002 along with OA No.477/2003 was dismissed, bereft of merit, for the detailed reasons enumerated therein. On perusal of the RA, we find that the applicants have attempted to rebuild a case for review on the same set of facts/grounds, which have already been taken care of by us before taking a decision, inter alia contending that the respondents have misled the Tribunal by stating that promotions of the applicants were a stop gap arrangement and that the post of Asstt. Superintendent was of temporary nature. We are unable to agree with this contention for the simple reason that we have already reproduced the extracts from the promotion order of the applicants in which it has been clearly stated that their promotion was purely on ad hoc basis and that they have no claim for regularisation.

Naik

Even otherwise, the said OA was decided following the ratio of the judgements of the apex court as mentioned in our dated 19.12.2003. Therefore, the contention of the counsel for the applicants to the above effect is baseless and needs to be rejected. Also judgement dated 27.5.2003 cited by the counsel for the applicants is distinguishable and would not come to their rescue.

3. In the result we find no merit in the present RA warranting a review of our order dated 19.12.2003 under Order 47, Rule 1 CPC read with Section 22(3)(1)(f) of Administrative Tribunals Act, 1985 and the same is accordingly dismissed.

Naik

(S.K. Naik)  
Member(A)

Ag

(V.S. Aggarwal)  
Chairman

/stv/