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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

R.A. NO.292/2002

in

O.A. NO.2224/2002

This the 14th day of February, 2003

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

Union of India & Ors.

... Applicants

(By Shri V.S.R.Krishna, Advocate)

-versus-

Swaminath & Ors.

... Respondents

(By Shri Amit Anand, Advocate)

O R D E R (ORAL)

Respondents in OA No.2224/2002 have filed this review application seeking review of order dated 23.8.2002 whereby the OA was disposed of as follows :

"4. In the circumstances of this case, the ends of justice will be met by disposing of this OA as well at this very stage without issuing a notice to the respondents to consider the claims of the applicants in accordance with the aforesaid decision of the High Court on verification of particulars stated in Annexure A-4 regarding the respective dates of engagement and dates of permanent/temporary status of the applicants. If these particulars are found to be true, the respondents shall make whatever payments are due to the applicants as expeditiously as possible and in any event within a period of two months from the date of receipt of a copy of this order."

2. This review application has been filed on 20.11.2002 while order in OA was passed on 23.8.2002, i.e., much beyond the limitation.

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3. We have heard the learned counsel of both sides. The learned counsel of review applicants stated that applicants in the OA were engaged in temporary project in construction line and not in open line. He stated that such workers are entitled to conferment of temporary status on completion of 360 days of continuous employment, while casual labour in permanent establishment can be conferred temporary status on completion of 120 days of work. Review applicants have also filed an application for condonation of delay in which it is stated that directions of this Tribunal in order dated 23.8.2002 in OA No.2224/2002 were made on the basis that applicants were similarly placed like the applicants in OA Nos.371/2001 and 986/2001. It has been stated that review application against the earlier judgment was already pending before the Tribunal and was listed for hearing on 1.11.2002. As such, the matter was examined again in order to take a consistent view in the matter and thereafter respondents have filed the present review application. The learned counsel placed reliance on **Inder Pal Yadav v Union of India**, 1985 (2) SLJ 58 SC to contend that applicants in the OA could become entitled to financial benefits only after conferment of temporary status consequent upon completion of 360 days of casual work.

4. The learned counsel on behalf of applicants in the OA stated that the review applicants have filed the review on the ground that order dated 26.4.2001 in OA No.986/2001 had been challenged in a review application

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and that the respondents have filed the present review application in order to take a consistent view in the matter. The learned counsel ^{of Applicant in OA II} has filed a copy of order dated 9.12.2002 in RA No.272/2001 in OA No.986/2001 whereby the RA has been dismissed. So, the very basis on which the present review application has been filed does not exist any longer. In that order, contentions raised on behalf of the review applicants have been taken into consideration. In particular, paragraph 5 of that order is relevant and is reproduced below :

"5. The learned counsel appearing for the review applicants has, on the other hand, placed reliance on Inder Pal Yadav & Others Versus Union of India & Ors., 1985 (2) SLJ 58 (SC) to advance the plea that the respondents could become entitled to the financial benefit in question only after conferment of temporary status consequent upon completion of 360 days of casual work. This is because, according to the learned counsel, the respondents were engaged and worked on the project/construction side. I have considered the aforesaid plea raised on behalf of the review applicants and find that since Inder Pal Yadav's case (supra) was noticed in the case of Union of India Versus Presiding Officer etc. etc. (supra), it will not be in order to decide the matter on the basis of the proposition laid down in Inder Pal Yadav's case (supra), and instead it will be fair and just to grant the relief wholly in terms of the proposition of law laid down by the Delhi High Court in Union of India Versus Presiding Officer etc. etc. (supra). That being so, the present Review Application is found by me to have no force and is rejected."

5. Not only that the present review application has been filed beyond limitation period, this review application has also to be dismissed placing reliance on the rationale adopted in order dated 9.12.2002 in RA No.275/2001 in OA No.986/2001 which had similar facts and identical issues.

6. Having regard to the above discussion, this review application is dismissed. Review applicants are directed to comply with the orders passed in the OA within a period of one month from the date of receipt of a copy of this order.

V. K. Majotra

(V. K. Majotra)
Member (A)

/as/