

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA 76/2002
in
OA 2601/2001

New Delhi, this the 3rd day of April, 2002

Hon'ble Shri Govindan S.Tampi, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

Usha Rani

...Applicant

V E R S U S

Union of India & Ors.

...Respondents

O R D E R (IN CIRCULATION)

By Hon'ble Shri Govindan S.Tampi,

This Revision Application has been filed seeking recall and review of our order dated 8-2-2002, issued while disposing of OA No.2601/2001.

2. OA 2601/2001, filed by the applicant (Ms. Usha Rani), challenging the termination of her services, has been disposed of by an oral order pronounced in the open Court, when the ld. counsel for both the applicant and the respondents were present. The operative portion of the order reads as below :-

"We have carefully considered the matter and have perused the records. It was clear from the beginning that the engagement of the applicant was clearly on contract basis for a fixed period. The fact that the term of the contract was extended by two months did not at all vest any right to the applicant for continuation, as is being claimed. As long as the applicant has not been replaced by another contract employee, she has no case. Her disengagement was legal and cannot be assailed. We are fortified in our decision by the findings of the Hon'ble Apex Court that a contract employee for a project cannot claims continuation after the completion of the project/contract. In the result, the OA fails and is accordingly dismissed. No costs."

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3. By this RA, the said order is sought to be reviewed, on the ground that at the time, when the order was passe, the 1d. counsel for the applicant had failed to bring to the attention of the Tribunal that sufficient number of vacancies of Computer Operator/Jr. Clerks were lying vacant with the respondents and that the Tribunal's decision would have been different, had this matter been brought to the attention. In the review application, also states that in a similar situation, the applicants who filed OA 2512/2001, was given interim relief on 21-9-2001, against termination of their services, till regularly selected candidates joined duties.

4. We have carefully considered the matter. Neither of the grounds raised by the review applicant has any merit. Our decision was not influenced by the presence or absence of extra vacancies to accommodate the applicant was only based on the fact that the applicant was an appointee, engaged only on a contract basis for fixed period and did not get any vested right for continuing in the same, as had been claimed by her. We had also noted that so long as the applicant had not been replaced by another contract employee, she had no case. That being the case, the fact that the presence of a few vacancies was not brought to the Tribunal's attention, is of no consequence. Besides the interim order granted in a similar case for maintenance of status-quo cannot be cited as an authority to precedent for seeking review of an order, issued after appreciating all the facts, brought on record.

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5. We are thus convinced that the review applicant has not brought out any satisfactory case, calling for review of the order. The RA, therefore, fails and is accordingly dismissed in circulation.

S. Raju

(SHANKER RAJU)
MEMBER (J)

(GOVINDAN S. TAMPI)
MEMBER (A)

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