

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA 91/2002
in
OA 1877/2001

New Delhi, this the 16th day of August, 2002.

Hon'ble Sh. Govindan S. Tampi, Member (A)

Sh. Mukesh
S/o Sh. Murari Lal
R/o WZ-570, Nangal Rai
Padam Basti
New Delhi.

...Applicant

(By Advocate Sh. K.P. Mavi)

V E R S U S

1. Union of India : through
its Secretary
Govt. of India
Ministry of Agriculture
Deptt. of Animal Husbandry & Dairy
Krishi Bhawan
New Delhi.

2. Quarantine Officer
Animal Quarantine & Certification Science
Delhi Gurgaon Road
Kapashera Border
New Delhi.

...Respondents

(By Advocate Sh. R.P. Agarwal)

ORDER

By Sh. Govindan S. Tampi,

R.A. No. 91/2002 seeks the recall and review of my order dated 25.01.2002 passed while disposing of OA No.1877/2001.

2. Heard Shri K.P. Mavi, learned counsel for the review applicant and Shri R.P. Agarwal, learned senior counsel for the respondents.

3. Applicant Shri Mukesh, a Casual Labourer with respondents who filed OA No.1877/2001, had alleged that though he had obtained an earlier order from the Tribunal on 08.12.1999 that he should be granted re-engagement in preference to juniors and freshers, that one "Sanju" a fresher had been appointed in preference, which was

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improper. I had called for and perused the muster roll-- of Casual Labourers maintained by the respondents and found that the allegation did not have any basis. Accordingly, I had dismissed the OA.

4. The applicant has now filed the Review Application on the ground that the above order was wrong as it had been issued on false information supplied by the respondents, ^{suppressing} ~~suppressing~~ the appointment on one Shri Sanju S/o Shri Kanti Prasad, R/o 29, Anand Vihar Colony, Delhi w.e.f. 12.05.2001. This was a case where by the deliberate misrepresentation of facts, the respondents have obtained a wrong order from the Tribunal and the same deserved to be recalled, reviewed and justice rendered to the applicant, according to him. The plea was strongly urged by Shri K.P. Mavi, learned counsel who also sought to rely upon the decisions of the Hon'ble Apex Court in Dhanajay Sharma Vs. State of Haryana & Others. [JT 1995 (4) SC.483] and ^{Gowri} ~~Ganesh~~ Ganesh Shankar & Anr. Vs. Josh Amba Shankar Family Trust & Ors. [JT 1996(2)SC.560] wherein the Court had come down heavily on such conduct. RA should, therefore, be allowed, according to him.

5. Replying on behalf of the respondents Shri R.P. Agarwal, their counsel stated that nothing irregular at all has been committed by them. The muster roll sought to be produced related to Casual Workers, which had correctly shown that no body named Sanju had been engaged or re-engaged as Casual Labourer. One Sanju S/o Kanti Prasad had been appointed on a temporary basis on the basis of selection, as safaiwalah on 12.05.2001 and he was not to be treated as a Casual Worker. His appointment was on a regular selection. On the other hand, the applicant was a

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Casual Labourer, who was not even covered by the DOP&T's Scheme for Casual Labourers of 10.09.1993 and who could not merit regularisation till he was granted temporary status. The only relief he was eligible for was consideration for re-engagement as Casual Labourer and he would definitely be granted the same in preference to juniors and freshers. Since no fresher or junior has been so engaged as a Casual Labourer, Review Application had been filed on wrong premises and should fail.

6. According to Shri Mavi, Shri Sanju who had been engaged was not sponsored by the Employment Exchange but by a private set-up All India Dr. Ambedkar Samaj Development Foundation which was also improper.

7. I have carefully considered the matter and it is evident to me that the Review Application has no basis at all. No misrepresentation or suppression has been committed by the respondents; as alleged in the RA. Respondents had averred that none named 'Sanju' was engaged/re-engaged as a Casual Worker and the same was borne out by the ^{perusal of} muster roll which led to my earlier decision. The same does not warrant any change even now. Sanju S/o Kanti Prasad, referred to in the RA was appointed on a temporary basis, following a selection and his engagement was not at all as a Casual Labourer. Therefore, the plea of the RA is wrong and cannot be accepted. The decision of the Hon'ble Supreme Court ^{relied upon by the RA Applicant} do not come to his assistance as the facts are totally different and nothing irregular has been committed by the respondents. Incidentally the fact that Sanju was sponsored by All India

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Ambedkar Samaj Development Foundation and not by the Employment Exchange is not at all material in this RA. No finding has to be recorded thereon.

7. It is thus evident that the Review Application has not made out any case for the recall/review of my earlier order ^{dr.} 25.01.2002. RA, therefore, fails, having no merits and is accordingly rejected.

(GOVINDAN S. TAMPI)
MEMBER (A)

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