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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A.No.216/2002 in O.A.No.3464/2001

Monday, this the 12th day of May, 2003

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

Narender Pal s/o Shri Narsing Ji
r/o RZ C-24, Madhu Vihar
Uttam Nagar, New Delhi

..Applicant

(By Advocate: Shri U.Srivastava)

Versus

Union of India through

1. The Secretary
Min. of Urban Development
Nirman Bhawan, New Delhi
2. The Director General of Works
A Wing, Nirman Bhawan, New Delhi
3. The Superintending Engineer
Delhi Kendriya Parimandal
CPWD, New Delhi
4. The Executive Engineer
U. Division on CPWD
CGO Complex, New Delhi

..Respondents

(By Advocate: Shri D.S.Mahendru)

O R D E R (ORAL)

RA-216/2002 has been filed the applicant in
OA-3464/2001 seeking my order dated 23.8.2002 dismissing
the same OA.

2. Relevant portion of my order dated 23.8.2002
reads as below:-

"8. I have carefully considered the matter. While the applicant claims grant of temporary status and/or regularisation on the ground of his working as Beldar on muster roll basis from 1989, the respondents plead that his case was not covered by the 1993 scheme for regularisation, as he was only a contractor engaged for placement of beldar. The original engagement of the individual's service with the respondents

makes it clear that it was a contract and it is specifically provided that "the contractor or his worker shall have no claim of any nature other than the one mentioned above". The applicant has not been able to prove that his case is not one of contract or that he was a Casual Labourer, covered under DoPT's scheme of 10.9.93. That being the case, the applicant's request for consideration of his case for grant of temporary status and / or regularisation, cannot be endorsed. The same has not been acceded to by the respondents, and rightly too, in view of the facts brought out and the law laid down by the decision referred to by the applicant above.

9. In the result I am convinced that no convincing case for Tribunal's interference has been made out by the applicant. OA therefore fails and is accordingly dismissed. No costs."

3. I have considered the pleas raised in the RA. Applicant could not prove his case and, therefore, OA had been dismissed by me. Now the attempt is to re-argue the whole issue, which does not fall within the scope of review in terms of Section 22(3)(f) of Administrative Tribunals Act, 1985 read with Order 47 of Civil Procedure Code. Decision of the Hon'ble Apex Court in the case of Avtar Singh Sekhon Vs. Union of India and Ors. AIR 1980 SC 2041 also fortifies my stand. RA, therefore, has to fail and is accordingly dismissed.

4. Learned counsel for review applicant further states that the respondents are in the process of re-engaging the services of those who were disengaged earlier and, therefore, the dismissal of the OA had come in the way of his client. This is not material. Tribunal's order dismissing the OA would not come in the way of the respondents to consider the reengagement of

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the applicant if, according to their criterion, he fulfills the requirement. No direction is called for from this Tribunal in this regard.

(Govindan S. Tampi)
Member (A)

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