CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

R.A. NO. 163/2003

IN

O.A. NO. 261/1999

DATED 28th May 2003

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

Gorakh Nath ..... Applicant

VERSUS

Union of India & Ors. ..... Respondents

O R D E R

BY HON'BLE SHRI GOVINDAN S. TAMPI , MEMBER (A)~

R.A. No. 163/2003 has been filed seeking the recall and review of order passed by me on 4.2.2003 while disposing of OA No. 261/99.

2. I have considered the matter. OA No. 261/99 filed by Shri Gorakh Nath was one among the seven OAs filed on identical grounds by individuals similarly placed and seeking same reliefs. All the above OAs filed by casual labourers in the Military Farm Meerut Cantt having been dismissed by the Tribunal the matter was carried by them in CWP before the Hon'ble High Court of Delhi who remanded the matter to the Tribunal for fresh consideration with directions to examine the petitioner's plea in the light of relevant orders and instructions on the subject matter and to pass appropriate orders after hearing the parties. The matter was thereafter considered in depth and the parties were heard in detail and they were disposed of with the following observations:

— 2

"12. The respondents have raised the plea that the contents of the Standing order dated 12.12.1989, circulated on 31.1.1991 were not applicable to the applicants. In these cases, as they were appointed only during 1995-96. This would appear to be go also keeping in mind the decision of the Hon'ble Supreme Court in the case of Union of India & Others Vs. Mohan Pal (2002(4) SCALE 216) passed in the context of a similar Scheme dealing with the grant of temporary status and regularisation on casual workers, formulated by the Department of Personnel & Training on 10.9.1993 that the benefits, if any, of the Scheme would be available only to those who were in position on the day when the Scheme would be available only to those who were in position on the day when the Scheme was introduced. The fact, however, remains in these, OAs that the people who were apparently junior to the applicants and who were also engaged after 1991 were considered for regularisation. Therefore, the cases of the applicants would also merit consideration for regularisation.

13. In the above view of the matter, all the above OAs succeed substantially and are accordingly allowed. The respondents are directed to consider reinstatement of the applicants and the regularisation in service in terms of the conditions as laid down in their own Model Standing Order dated 15.12.1989 and letter dated 31.1.1991, as directed by the Hon'ble High Court, ahead of those juniors who have been regularised . The respondents shall also count the previous service rendered by the applicants for the purposes of seniority, but the applicant would not be entitled for any back-wages for the period between the dates of their disengagement and reinstatement. the above exercise shall be completed within a period of four months from the date of receipt of a copy of this order."

3. The present RA has been filed indicating that the order of the Tribunal was incorrect and faulty and the same would warrant recall and review.

4. On perusal of the RA I observe that the review applicant is seeking to re-argue the entire matter, calling in question the interpretation adopted by the Tribunal in arriving of the decision. No error apparent on record either of fact or of law been brought out but the quarrel is with the interpretation adopted by the Tribunal. The same does not at all lie within the scope of review in terms of section 22(3)(f) of the Administrative Tribunal Act 1985

-3-

59

read with order 47 of Civil Procedure Code. The same is also hit by the decision of the Hon'ble Supreme Court in the case of Avtar Singh Sekhon Vs UOI [AIR 1980 SC 2041].

5. R.A. has threfore no merit whatsoever and his therefore dismissed.

(Govindan S. Tampi)
Member (A)

Patwal/