

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. NO. 161/2000

in

O.A. NO. 2321/1996

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New Delhi this the 23rd day of March, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

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

Chatarmani Chamoli & Ors. ... Applicants

(By Shri G.D. Bhandari for Shri B.S. Mainee, Adv.)

-versus-

Union of India & Ors. ... Respondents

(By Shri R.L. Dhawan, Advocate)

O R D E R (ORAL)

Shri V.K. Majotra, Member (A) :

OA No. 2321/1996 was disposed of vide order dated
23.3.2000 with the following observations :

"5. We have examined carefully the record before us. We find that the applicants had been working as MCCs/Clerks in the grade Rs. 950-1500 on ad hoc basis against work-charged posts and not against regular posts. According to the respondents, the regular posts of MCCs/Clerks in promotee quota became available in 1988 when action for selection was taken. We find that the applicants had been placed in the provisional panel in the selection held on 24.3.1988 combined with the supplementary selection held on 22.2.1989. The applicants have not disclosed the details of OAs in which directions were issued that the period of ad hoc promotion followed by regular promotion should be given cognisance for seniority. In the present case, the regular posts in promotee quota were not available but the applicants were given ad hoc promotion. Regular posts became available in promotee quota in the year 1988. The applicants were placed in the selection panel in 1988 and were given seniority w.e.f. 28.3.1988 ignoring the period of ad hoc promotion of the applicants as LDCs/MCCs. Keeping in view the relevant rules, the time of availability of regular vacancies of MCCs/LDCs and also of the related selection, we do not find any

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infirmary with the impugned order/seniority list dated 27.4.1995 whereby the applicants have been assigned seniority as LDCs w.e.f. 28.3.1988, when they were promoted on selection in the promotee quota against regular vacancies.

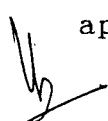
6. The O.A. being devoid of merit in the light of the above discussion, is dismissed accordingly. There shall be no order as to costs."

2. The instant review application has been filed seeking review of the aforesaid order praying for directions to the respondents to assign them seniority from the date of their initial appointment as LDCs/MCCs with all consequential benefits.

3. We have heard the learned counsel on either side and perused the material on record.

4. Shri Bhandari appearing on behalf of the applicants stated that in similar cases in terms of orders of the General Manager contained in letter dated 26.7.1988 at Annexure A-4 to the OA several personnel have been regularised in the post of MCCs who had put in more than three years of service. The learned counsel stated that as the order in the OA was passed in terms of Rule 15 of the C.A.T. (Procedure) Rules, 1987 during the absence of the applicants' counsel, the relevant case law could not be brought to the notice of the Tribunal at the time of passing of the order.

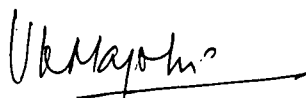
5. Whereas no apparent mistake on facts and law has been pointed out, the present review application appears to be an attempt at re-arguing the case

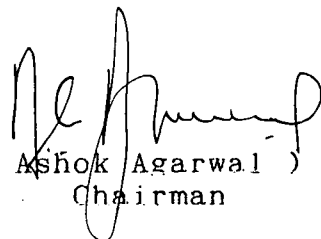


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afresh, which basically is beyond the ambit and scope of a review application. However, various judgments cited in the review application do not disclose any identical cases with the facts and circumstances of the present case. Whereas the present applicants had been working on ad hoc basis against work-charged posts of MCCs. all the cited cases relate to functioning of the applicants therein against substantive posts. Obviously the rulings cited have no bearing on the facts of the present case. The learned counsel stated that the Construction Division where the applicants had been working has been in existence for over two decades and even if the applicants were working against work-charged posts for a long time, it should be deemed that such posts were substantive positions. We are not in a position to agree with the learned counsel as the applicants had been working on ad hoc basis as MCCs against work-charged posts and not substantive posts; they cannot be accorded benefit of seniority with effect from the date of ad hoc appointments against work-charged posts.

6. In view of the foregoing, the review application is dismissed, without any order as to costs.


(V.K. Majotra)
Member(A)


(Ashok Agarwal)
Chairman

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