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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

THIS THE 2nd DAY OF SEPTEMBER, 1997

HON.MR.JUSTICE B.C.SAKSENA, V.C.(J), Alld.

Review Petition No.186 of 1997

In

Original Application No. 217 of 1996

Rishi Kumar and Ors .. .. Applicants

Versus

1. Union of India through
Secretary
Ministry of Finance
(Department of Revenue)
Central Board of Direct Taxes
New Delhi

2. The Chief Commissioner of Income Tax
Delhi
Central Revenue Building
I.P. Estate, New Delhi.

.. .. Respondents

Alongwith

Review Petition No. 187 of 1997

In

Original Application No. 1544 of 1996

Bhagwan Sahay
S/o Shri Ram Sahay
C/o C.I.T.-6
Commissioner of Income Tax
Mayur Bhawan, Cannaught Place
New Delhi

.. .. Applicant

Versus

1. Union of India through
Secretary
Ministry of Finance
(Department of Finance)
Central Board of Direct Taxes
New Delhi.

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2. The Chief Commissioner of Income Tax
Delhi
Central Revenue Building
I.P. Estate
New Delhi.

.. .. Respondents

O R D E R

JUSTICE B.C.SAKSENA,V.C.(J)

Through these two review applications a review of the order dated 14.1.97 passed in OA Nos. 1544/96 and OA 217/96 has been sought. I have gone through the review petition as also the common order passed disposing of the two O.As.

2. The main ground for rejecting the O.As is indicated in para 4 of the judgment. Since the order terminating their services had not been challenged it was held that the question of directing the reinstatement or regularisation would not arise. Further it has been indicated that the O.M. dated 10.9.1993 would not be applicable to such of the casual labours who were employed subsequent to 1.9.1993. Even on merits it was held that the applicants had not been engaged for 206 days and therefore their claim is not tenable.

3. In the review petition the grounds on which the OAs were dismissed has not been touched. It has been pleaded that in OA 2419/95 a direction to the respondents to reconsider the reengagement of the applicants therein subject to availability of work was passed. Copy of the order passed in the said OA is annexed as Annexure 1. A perusal of para 3 of the order passed in OA 2419/95 and OA 74/96 shows that the learned counsels appearing for the parties had agreed that both the aforesaid OAs may be disposed of with a direction to the respondents to consider the applicants reengagement subject to availability of work. In the first place the order was passed with an agreement between the counsels for the parties. Secondly, there is no knowledge that the

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services of the applicants in the said two OAs had been terminated. Accordingly the ground for seeking review of the order passed by me on the basis of the orders passed in OA 2419/95 and OA 74/96 is wholly untenable. There is no parity of facts. The view taken by me in para 4 of the order passed in the OAs indicate the settled legal position. The Hon'ble Supreme Court had in the following two cases laid down a similar proposition of law. The said two decisions are:

(i) 1994 SCC(L&S) pg 990 which was followed in a decision;

(ii) 1997(1) SCC 269 H.P. Housing Board Vs. Om Pal and Ors.

4. In view of the above the review petitions merit dismissal. They are accordingly dismissed.

5. The applications for condonation of delay have been filed in both the review petitions. From the facts indicated in these two applications no case for condoning the delay is made out. These applications for condonation of delay are therefore rejected.

(B.C.SAKSENA)
Vice Chairman(J)
Allahabad.

Dated: September 2nd, 1997

Uv/

True copy
Attested
1/2/97

PRITAM ...
Court ...