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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. No. 189/98

in

O.A. No. 1956/97

New Delhi this the 6th Day of October, 1998.

Hon'ble Mr. R.K. Ahooja, Member (A)

1. Union of India through
Department of Telecommunication,
Ministry of Communications,
Sanchar Bhawan, Ashoka Road,
New Delhi.
 2. The Chief General Manager (West),
Department of Telecommunications,
Dehradun.
 3. The General Manager,
Telecom, Meerut,
 4. The Sub Divisional Engineer (Phones),
Baraut,
Distt. Meerut.
 5. The Sub Divisional Engineer (Admn.),
Central Telegraph Office,
Mawana.
- Review
Respondents

(By Advocate: Shri VSR Krishna)

-Versus-

1. Shiv Kumar,
S/o Shri Zile Singh,
R/o Gali No. 8 Girona Road,
Barot, Meerut, U.P.
 2. Raj Kumar,
S/o Shri Ram Saran,
R/o Gali No. 8 Girona Road,
Meerut, U.P.
 3. Bhubeshwar Kumar Gautam,
S/o Shri Gyanendra Prasad,
R/o House No. 1141,
Moh. Kablil Road,
Mawana, Meerut, U.P.
- Review Applicant

(By Advocate: Mrs. Rani Chhabra)

ORDER (By Circulation)

In O.A. No. 1956/97, the applicants had claimed the benefit of respondents order dated 31.8.1995 and 1.9.1995 whereby they had been granted temporary status as casual labour from various dates. The respondents had

or

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in their counter submitted that O.A. was not maintainable under the doctrine and principle of res judicata as the applicants had earlier filed an O.A. No. 2381/96 in regard to the same grievances. The said O.A. was disposed of vide order dated 15.11.1996. In the impugned order the plea of non maintainability was rejected on the ground that in the earlier O.A. the applicants were directed first to make representation on which the respondents were required to pass a speaking order within four months. Noting that the respondents had not passed the requisite speaking order within the stipulated period, the Tribunal arrived at the conclusion that in the circumstances the representation had to be treated as not accepted by the respondents. Hence a fresh cause of action had arisen. Accordingly, the plea of res judicata was also rejected and the respondents were directed to grant the benefit of their orders to the applicants.

2. The present R.A. has been filed on 10.8.1998 while the original order sought to be reviewed was passed on 20.4.98. The R.A. is thus clearly time barred. The petitioners have also filed an M.A. No. 1703/98 seeking condonation of delay. The explanation given by them is that the respondents being a Department of Government of India, decision making process consumes a lot of time and hence the delay should be condoned. I consider this explanation irrelevant to the point of being frivolous. If such a plea was to be accepted then applying the same principle no limitation need be imposed in respect of Government departments. M.A. No. 1703/98 is, therefore, dismissed.

On

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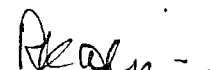
3. On merits also the R.A has no legs to stand on.

4. The respondents say that the applicants were working as Extra-Departmental Assistants^{as} part of the combined Telecom and Postal Departments. On bifurcation they became part of the Department of Posts but were allowed to continue in Telecom Department with the consent of the Department of Posts. The orders granted~~ed~~ them the temporary status under 1989 Scheme were thus mistakenly issued as the 1989 Scheme in respect of casual labour did not apply to Extra-Departmental Assistants in the Department of Posts. The applicants state that they are, therefore, proposing to withdraw their orders dated 31.8.1995 and 1.9.1995. The respondents had not taken stand this in their counter reply to the O.A. It is also noteworthy that a period of more than 2 years have passed since the orders granting temporary status were issued and it is only now that the respondents are waking up to their so called mistake. If the respondents did not bring forth their defence at the proper time, they cannot seek a review of the final order on the basis of some decision they propose to take in future.

5. I am also constrained to note that when the impugned order was passed, the respondents were directed to implement the same within a period of three months. The respondents thereafter moved an M.A. No. 1703/98 for extension of time for implementation of the final decision. The M.A. was allowed and the time for compliance of the order was extended till 30.10.98. In

other words, first the respondents did not implement the directions of the Tribunal within the stipulated period but sought the indulgence of the Tribunal for further time for compliance; after obtaining orders of extension instead of complying with the directions, they file this belated review application.

6. In the result, the R.A. is dismissed summarily both on grounds on limitation as well as merits.


(R.K. Andeja)
Member (A)

Mittal