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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A.NO.231/2002 IN
O.A.NO.416/1997

(76)

Tuesday, this the 29th day of July, 2003

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

Shri Radha Krishan Prasad & Others ...Applicants
(By Advocate: Shri B.S.Mainee)

Versus

Union of India & Others ...Respondents
(By Advocate: Shri B.S.Jain)

O R D E R (ORAL)

Heard both the learned counsel for the parties.

2. Shri B.S.Mainee, learned counsel for review applicants presses the Review Application, which seeks to recall and review of the order dated 2.4.2002 passed by me while disposing of OA-416/97 filed by Shri Radha Kishan Prasad and fifty four others, with the following observations:-

"5. I have carefully considered the matter. While the applicants aver that their services have been dis-engaged while juniors have been preferred respondents point out that except for 36 people who have been protected by the Tribunal order none who is a junior to the applicant has been re-engaged. Shri Mahendru has fairly considered (conceded) the respondents would be prepared to consider the case of the applicants also, if any one other than the 36 persons above mentioned, who is junior to any of the applicants has been reengaged in preference to the applicants. This I find is a proper position to take.

6. Keeping the above in mind, I dispose of this OA with the direction to the respondents to consider the case of the applicants for re-engagement, if anyone junior to them, other than the 36 persons who have been re-engaged on the basis of the Tribunal's order in OA No.2939/92, has been re-engaged and continues to be so. The applicants shall be within a

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month from the date of receipt of this order, furnish to the respondents with necessary supporting details the cases of such junior(s), who has (have) been so re-engaged and the respondents shall within one month thereafter take appropriate action to re-engage them, as promised by the learned counsel for the respondents. No costs.

3. Shri B.S.Mainee now states that the points raised in this RA filed by him are fully covered by the judgment of the Hon'ble Supreme Court in the case of U.P. State Mineral Development Corporation Ltd. & Anr. etc. v. Vijay Kumar Upadhyay & Anr. etc., 1998 (1) SC 165 and that the order, therefore, warranted review. The same is hotly contested by Shri B.S.Jain, learned counsel for the respondents.

4. I have considered the matter. The point raised by the applicant has been considered by me in detail and the same related to the reengagement of casual workers, who were not the regular employees. These are the individuals, who have been given some retention on account of the Court's order and they are not the regular employees. That being the case, the decision of the Hon'ble Supreme Court in Vijay Kumar Upadhyay's case (supra) can be clearly distinguished.

5. The review applicants are attempting to re-argue the matter which is not covered within the scope of review in terms of Section 22(3)(f) of the 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 v. Union of India and Ors. AIR 1980 SC 2041 also fortifies my stand. If the

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applicants are hurt by the finding/decision of the Tribunal, remedy lies elsewhere and not by way of review application.

6. Review Application, being bereft of any merit, is dismissed.

Govindan (S. Tampi)
Member (A)

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