

Central Administrative Tribunal
Principal Bench: New Delhi

RA 257/97

IN

OA 2/97

New Delhi this the 6th day of November 1997.

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

Shri Bijender Singh
S/o Sh. Hardwari Singh
D-56, S.G.M. Nagar
NH IV, Faridabad.

Review
...Applicant.

(By advocate: Mr A.K.Sudan)

Versus

Union of India through

1. The Secretary
Ministry of Communications
(Department of Posts)
Dak Bhawan
New Delhi.
2. Senior Supdt. of Post Offices
Faridabad Division
Faridabad
3. Senior Postmaster
Faridabad Head Post Office
Faridabad.

...Respondents.

(By advocate: Mr K.R.Sachdeva)

ORDER

By Mr R.K.Ahooja, Member (A)

The review petitioner had filed OA 2/97 seeking a direction to the respondents to grant him temporary status and regularisation in Group-D post on the basis that he worked as an outsider Postman for various periods between 1992 and 1996. The OA was dismissed on the ground that the post of Postman is included in Group-C; there are specific recruitment rules for filling up this post and as per the decision of the Supreme Court, no regularisation can be made against such a post de-hors the recruitment rules. Reliance was also placed on the

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decision of the Tribunal in OA 501/96 Kishore Singh Vs. Union of India & others decided on 6.2.1997. It is aggrieved by this order that the present review petition is filed.

2. The main ground for review is that there has been an error apparent in the impugned judgement because an outsider postman remains a casual labourer till temporary status is conferred upon him and in that capacity, he is deemed to be working in Group-D post for all intents and purposes. It is submitted that the Tribunal fell into an error by assuming that an outsider postman was engaged against a Group-C post ~~where~~ even the remuneration was less than that of a Group-C post. It is also submitted that ~~while~~ while the Tribunal took note of the decision in OA 501/96, it did not take into account the earlier order in the case of Zile Singh which was passed on 16.12.94.

3. I have carefully considered the points made by the learned counsel for the review petitioner but find no merit whatsoever in the above contentions. There is no error apparent on the face of the records. The petitioner is in fact dissatisfied with the conclusion in the impugned order that the applicant was ~~not~~ ^{or} covered by the Scheme for grant of temporary status & regularisation for Group-D. This is not a matter of patent error but a question of conclusion. If the applicant thinks that the conclusion is mistaken, then his remedy lies in an appeal and not through the review petition. Similarly, there can be no error of law if reliance is placed on a particular order of the co-ordinating Bench and not on another order cited by the petitioner.

4. For the reasons mentioned above, the petition being devoid of any merit, the same is dismissed.

R.K. Ahooja
(R.K. Ahooja)
Member (A)

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