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Central Administrative Tribunal  
Principal Bench

R.A.No.67/98 in  
O.A.No.2634/97

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

New Delhi, this the 17<sup>th</sup> day of April, 1998

Shri Vipin Chandra Joshi  
s/o Shri B.C.Joshi  
r/o 438 Pushap Vihar  
Saket  
New Delhi.

... Applicant

Vs.

Union of India through  
Secretary  
Ministry of Non-Conventional  
Energy Sources  
CGO Complex, Lodhi Road  
New Delhi.

... Respondent

O R D E R (By Circulation)

The applicant had come before this Tribunal with the grievance that his services had been terminated vide impugned order dated 21.10.1997 even though his juniors had been retained in service by the respondents. This was denied by the respondents and they had also submitted that no further work of casual labour was available with them. Holding that the respondents could not be compelled to keep casual labour in engagement if no further work <sup>was</sup> available with them, the OA was disposed of with a direction to the respondents that respondents will re-engage the applicant as and when work is available in preference to any outsider or junior. It is against this order that <sup>that</sup> only the present Review Application has been filed on the ground that there are errors apparent on the face of the record. The petitioner submits firstly that he has come to know now that six group 'D' posts are lying vacant with the respondents. Further he submits that the respondents had stated in their reply that the applicant could not be kept in engagement due to 'lack of

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work and funds' and not because there was 'no work'; the Tribunal therefore fell into an error by holding the two to be one and the same. He has also submits that there is an error in the conclusion reached by the Tribunal that no junior had been retained in service while terminating the services of the applicant. For these reasons he states that the order of the Tribunal in the aforesaid OA may be reviewed and set-aside.

2. I have considered the matter carefully. The fact that the permanent posts are lying vacant with the respondents does not mean that the respondents have need for casual labour. In fact, respondents cannot be compelled to fill up permanent posts also if they take a policy decision to the contrary. In so far as the other grounds adduced by the review applicants are concerned, they are not relevant for a review since these only seek to establish that the conclusions reached are erroneous and not that there are any error of law and fact patent on the face of record. If the applicant is dissatisfied with the conclusions and the decision reached by the Tribunal his remedy does not lie within the review jurisdiction of this Tribunal.

3. In the light of the above discussion, I find no merit in the RA which is summarily dismissed. No costs.

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

/rao/