

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI**

R.A. No. 187/93

199

OA No. 908/93

DATE OF DECISION 13.8.1993Union of IndiaPetitionerShri N.S. Mehta, Sr. Central Govt.Advocate for the Petitioner(s)Standing CounselVersusShri H.S. SharmaRespondentMs. Pratima MittalAdvocate for the Respondent(s)**CORAM**

The Hon'ble Mr. I.K. Rasgotra, Member (A)

The Hon'ble Mr. J.P. Sharma, Member (J)

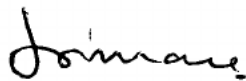
1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?


ORAL - JUDGEMENT

We have heard Shri N.S. Mehta, Sr. Central Government Standing Counsel in R.A. No. 187/93 and Ms. Pratima Mittal, counsel for the respondent in the R.A. The learned Sr. Standing Counsel referred to para 3 of the Review Application and submitted that S/Shri Chet Ram, Rajesh III and Raju who were alleged to be junior to the original applicant and had been allegedly retained in service are not in fact junior to him. They are senior to the original applicant. The original applicant was engaged as casual labourer with effect from 14.1.1992 whereas S/Shri Chet Ram, Rajesh III and Raju were engaged as casual workers w.e.f. 7.6.1991, 15.4.1991 and 27.8.1991 respectively. Having regard to the date of engagement and the length of service they are senior to the original applicant. Another person Shri Surender

Dutt Joshi is not working in the Intelligence Bureau as a casual worker and therefore the question of his being senior or junior does not arise. The learned counsel for the respondents in RA submits that in view of the position brought on record by the Review Applicant she has no objection to the recall of Direction No. 2 given in the order dated 29.4.1993 in O.A. No. 908/93. We have considered the submissions made by the learned counsel for both the parties. The directions were issued to the respondents at the admission stage having regard to the fact that it was alleged that 4 persons named above who were junior to the original petitioner ~~and~~ were retained in service whereas his service was terminated. This has been categorically denied by the Review Applicant. In the above facts and circumstances of the case, we are of the opinion that there ~~is~~ an error apparent on the face of the record which requires to be rectified. Accordingly, we direct Direction No. 2 of the judgment ~~which~~ reads as under:

"In case three of his juniors viz. S/Shri Chet Ram, Rajesh III and Raju have been retained in service the respondents should consider the case of the petitioner for re-engagement on the principal of 'last come first go', ~~should~~ be deleted. The Registry is directed to delete the said paragraph and send fresh copies of the order after deleting the said paragraph to both the parties. R.A. is disposed of as above.


(J.P. SHARMA)
Member (J)


(I.K. RASGOTRA)
Member (A)