

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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R.A.No. 402/93 in O.A.No. 1661/93.

Date of decision _____

SHRI SUBHASH CHAND BHATI,
S/o SHRI RAM KISHAN,
R/o 2709, Kucha Challan,
Darya Ganj, New Delhi-2

V/s

1. The Medical Superintendent, Safdarjang Hospital,
New Delhi.
2. Director General of Health Services,
Office of the Directorate General of
Health Services, Nirman Bhawan, New Delhi.
3. Union of India,
Ministry of Health & Family Welfare,
Government of India, Nirman Bhawan,
New Delhi (through its Secretary).

O_R_D_E_R

This Review Petition dated 16.10.93 filed by Shri Subhash Chander Bhati seeking review of our order in O.A. No. 1661/93 rendered on 7.9.1993 consisting of myself and Hon'ble Shri I.K. Rasgotra, Member (A).

2. The main thrust of the arguments in the Review Petition is that the applicant was appointed as Nursing Attendant upon selection with effect from 19.7.1991 and, on the plea that the alleged Middle Class Certificate submitted by the applicant was not genuine, he was disengaged w.e.f. 3.9.1991. The applicant was directed to get certificate about the genuineness from the source. Accordingly, he obtained a duplicate copy of the certificate from the Head Master of the School and submitted the same to the authorities. The matter has not at all been

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3. The O.A. was dismissed on two grounds. Firstly, the

application was belated one and barred by limitation.

With regard to merit, the Tribunal had clearly observed that the applicant has no case as his appointment was on only daily wages for a specific period. Once that period was over, the Respondents were within their jurisdiction not to take him back on duty. This is clear from Annexure A-2 engagement order vide dated 19.8.91 which reads as follows :-

" The following persons have been engaged after their medical examination in order of merits on Daily Wages as Nursing Attendant at the rate of Rs. 25/- + D.A. per day in this hospital w.a.f. the date shown against each upto 31.8.91. They will not be paid for the day they remain absent from duty. "

On the whole, 14 persons were appointed.

4. There is nothing on record to show that the applicant's service was terminated because of the suspicion about the genuineness of the education certificate, as alleged in the Review Application. Therefore, such a contention cannot be upheld while considering the review petition. The scope of the Review Application is very limited and the applicant has not made out any new facts/evidence in the Review Application.

5. The perusal of the petition makes it clear that none of the ingredients as stipulated in Order XLVII Rule 1 C.P.C. have been made out to warrant a review of the order of the Tribunal. We find that neither any error on the face of the record has been pointed out nor any new fact has been brought to our notice calling for a review of the original judgement.

6. In the facts and circumstances of the case, we do not see any merit in the Review Application and the same is rejected ~~in circulation~~.

(B.S. Hegde)
Member (J)

(N.V. Krishnan)
Vice-Chairman