

RA No. 43/93 in
OA No. 56/93

(V)

Ashok Kumar Jha-II & Ors. vs. Union of India & Ors.

Dated: 5-3-1993

ORDER

Applicants in OA 56/93, which was disposed of on merits at the admission stage itself vide order dated 8-1-1993, have filed this R.A. seeking review of the aforesaid judgement on the ground that "the same is erroneous and perverse and there is error on the face of record in fact and law". Applicants have also filed MP No. 479/93 praying for that the RA be listed for hearing before the Court.

2. The RA along with the MP have been ordered by the Hon'ble Chairman on 23-2-93, to be sent to me for disposal.

3. The main ground advanced in this connection is that as the applicants were casual labourers, they were not liable to be transferred and judgement of the Supreme Court in the case of L. Robert D'Souza vs. The Executive Engineer, South Railway and another, AIR 1982-SC 854 and the judgement of the Ahmedabad Bench of the Central Administrative Tribunal in the case of Dalambha Ramsang and another vs. Union of India and others, 1991(2) CAT 40, have been cited in support of the above contention.

4. I have carefully considered the prayer in the MP as also the contentions raised in the R.A. In the MP praying for hearing of the R.A. in the court, no cogent reasons have been given justifying the above prayer. Rule 17(iii) of the Central Administrative Tribunal(Procedure) Rules, 1987 lays down that unless otherwise ordered by the Bench concerned, a review application shall be disposed of by circulation. Accordingly, I find no good ground for allowing MP No. 479/93 and the same is hereby rejected.

5. As regards the RA, the contention of the applicants that there is an error apparent on the face of record,

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it may be stated that this contention is without any force.

The judgement sought to be reviewed was dictated in the open court after hearing the learned counsel for the applicants and in his presence. It is clear from the perusal of the judgement that no such contention was raised by the learned counsel for the applicants at the time of the oral hearing that the applicants being casual labourers, they were not liable to be transferred. Further, transfer in this case was from one office to other at the same location i.e. Delhi Office from which the applicants were transferred and the offices to which they were transferred were both under the same Publication Division. The judgement clearly states that seniority of the applicants for purposes of regularization shall not be adversely affected as a result of their transfer from the office of Employment News, R.K.Puram, New Delhi to new offices under the same Division.

6. As regards the contention that in pursuance to the impugned transfer of the applicants, they were deprived of working on Saturdays and Sundays, it should suffice to point out that the relief prayed for by the applicants in this connection, was not pressed by the learned counsel for the applicants in the O.A. and the applicants were free to pursue the same in appropriate proceedings. The directions given in the judgement of the Tribunal in OA No. 1137/92 (Shri Diwan Singh & Ors. vs. Union of India through Secretary, Ministry of I & B and Others) in which the applicants of this OA were also applicants, were also relevant and these have been referred to in the judgement sought to be reviewed.

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7. In the light of the foregoing discussion,
RA is devoid of merit and the same is accordingly dismissed.
By circulation.

Dec 13/93
(P.C.JAIN)
Vice-Chairman
Chandigarh Bench