

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

RA NO.99/94

in

DA NO.1995/93

New Delhi this the 26<sup>th</sup> day of July 1994.

Shri N.V. Krishnan, Vice-Chairman(A).

Shri B.S. Hegde, Member (J).

DM Prakash Saini,  
S/o Shri Brahma Nand Arya,  
R/o 3765-A/2, Kanhaiya Nagar,  
Tri Nagar, Delhi-110035.

...

Petitioner.

By Advocate Shri H.L. Bajaj.

Versus.

Union of India,  
through the Secretary,  
Railway Board,  
Ministry of Railways,  
Rail Bhavan,  
New Delhi-110001.

...

Respondent.

ORDER

Shri N.V. Krishnan.

This application has been filed seeking a review of the order dated 18.1.94 by which DA-1995/93 was dismissed at the admission stage.

2. We have seen the review application. We are satisfied that this application can be disposed of by circulation. Hence, we proceed to do so.

3. In our order we noticed that the applicant who was an ad hoc employee having a service of about 4 years did not pass the examination held for regularisation and hence his service was terminated. We found that this action could not be assailed.

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We rendered the decision after considering the judgement of the Supreme Court in Piara Singh Vs. State of Haryana - ATC 1992 (2) 403 which was cited by the counsel.

4. In the review application, the applicant draws our attention to a common judgement dated 29.7.92 of the Principal Bench disposing of OA-143/86 and another OA. It is pointed out that, in that judgement, it was held that the services of the applicants who are ad hoc employees should not have been terminated unless regularly appointed candidates had to be accommodated. They had to be given one more chance to qualify in the examination. This was done following the decision of the Tribunal in Jetha Nand and Ors. Vs. Union of India - 1989 (2) ATJ-364.

5. Reference is also made to the Full Bench decision in G.M. Manjunath & Ors. Vs. P.M.G. & Ors. (Full Bench Judgments of CAT Vol.II Page 456) to the effect that in such circumstances at least two additional chances should have been given. Reference is also made to another judgement of the Ernakulam Bench of the Tribunal in the case of Arvindakshan Vs. Regional Passport Officer 1993 (2) SLJ CAT 476 holding that the ad hoc employees acquire a right for regularisation.

6. It is contended on the basis of these authorities that there is an error apparent on the face of the record and that, therefore, the order requires review.

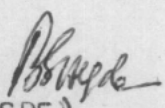
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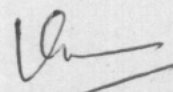
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7. We notice that in the grounds for the reliefs sought in the OA, the applicant did not claim that he was entitled to two more additional chances to appear in the examination for regularisation. Hence that issue was not considered. There is also no reference to these decisions in the OA. These decisions were also not referred to at the time of arguments.

8. In the circumstances, we do not find any error apparent on the face of record in the decision rendered by us. The review application, has therefore, no substance.

9. In the circumstances, the RA is dismissed.

  
(B.S. HEGDE)  
MEMBER (J)

  
26/7/84  
(N.V. KRISHNAN)  
VICE-CHAIRMAN (A)