

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A.No. 312/92

in

O.A. No. 1090/86.

HARISH KUMAR

v/s

UNION OF INDIA & ORS.

In this Review Application filed in O.A. No. 1090/86, the applicant has requested for a review of the judgement dated 1.9.1992 in view of an office letter dated 24.4.1992 issued by the respondents.

2. The contention of the counsel for the applicant is that in view of the said office letter of 24.4.1992 the applicant has been taken over on the strength of the Office of Director General of Civil Aviation, New Delhi with effect from 1.10.1991. Therefore, the earlier actions of the respondents issuing termination notices have no consequence.

3. If the respondents themselves have taken the applicant on the strength of the office of

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Director General, Civil Aviation, New Delhi
with effect from 1.10.1991 the judgement
dated 1.9.1992 would not warrant any review.

In the original application it was the termination order that was challenged and the application was dismissed but nothing would stand in the way of the respondents themselves from cancelling their termination order or making it ineffectual. In fact, the Bench, while dismissing the application, has observed that they expected 'a review of ^{his} office case _{and} by the respondents regarding his suitability or otherwise since they had an adequate period to watch his performance and more so when the regularly selected candidate, selected in 1986, could not join because of the interim order and he may not be interested in the post at this distant time'.

4. If consequent upon issue of a letter dated 24.4.1992 by the respondents any fresh course of action regarding treatment of the applicant as a regular employee or award of yearly increment etc. to him has arisen, The proper course for

the applicant will be to file a fresh application and not to seek consequential relief, if any, arising out of the letter dated 24.4.1992 under the cover of a review of the judgement delivered in O.A. filed in 1986 in which the judgement has already been delivered on 1.9.1992.

5. The review ^{petition in} of the case is accordingly dismissed.

I. P. Gupta
(I.P. Gupta) 14/10/92
Member (A)

Hon'ble Mr. Justice Ram Pal Singh

I agree.
Lambh
14.10.92