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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

R.A. 22/89 in O.A. 574/86.

DATE OF DECISION: 29th May, 1989.

Dr. Dhirendra Kumar Applicant.

V/s.

Union of India & Others Respondents.

CORAM: Hon'ble Mr. Justice Amitav Banerji, Chairman.
Hon'ble Mr. Ajay Johri, Member (A).

Applicant in person.

Shri K.L. Badula, Proxy Counsel for Shri
D.K. Sinha, Counsel for the Respondents.

ORDER

This is a Review Application filed against our judgement in O.A. 574/86 delivered on 15.2.1989. The review has been sought on the ground that the observation made by us in para 25 of the judgement that the applicant has got regular appointment elsewhere with his existing qualifications was not based on correct facts. The applicant actually has been selected by the UPSC. His name has been recommended but he has not yet got the appointment with the National Defence Academy. It has further been stated in this application that according to observation made in para 11 of our judgement where it has been said that the respondents had laid a condition that the ad-hoc appointments could be regularised in case the applicants attained the M.Phil degree during a period of five years which was later extended to eight years, the applicant made efforts to attain a higher qualification and has since obtained Ph.D. in Political Science from the Agra University in December, 1986. Though at the time when the requirement was sent to the UPSC, he was not eligible, according to the revised recruitment rules he became eligible when he got the Ph.D. degree in December, 1986. According to the applicant, this was also an error inasmuch as by his M.P. No.813/88 he had already

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informed that he had attained the Ph.D. degree which was more than M.Phil. degree required by the respondents.

It has, therefore, been prayed by this Review Application that orders may be recalled and suitable direction be issued to the respondents in the light of the above facts which have been brought out.

2. We have heard Shri K.L. Badula appearing for Shri D.K. Sinha, learned counsel for the respondents and the applicant in person. We feel that the applicant has a case for review on a limited matter i.e., he was not elsewhere employed when we made an observation that he was elsewhere employed and he would, therefore, not be interested in an ad-hoc appointment with the respondents.

3. It has also been submitted before us that the post on which the applicant was working has not yet been filled and the person by the name of Shri S.N. Sahu who has been recommended by the UPSC, has not yet been given the appointment. We are also informed by the applicant that this post is lying vacant since the time he left i.e., 26.4.1988. We also note that regular appointment to this post is to be made on the recommendations of the UPSC.

4. In the above background and the fact that the post has not yet been filled, we direct that within one month from the receipt of this order, the respondents will consider the appointment of the applicant against the post which is lying vacant as a temporary measure and also simultaneously take action to refer his case to the UPSC for consideration against that post on a regular basis. The original judgement dated 15.2.1989 stands modified to this extent.


(AJAY JOHRI)
MEMBER(A)


(AMITAV BANERJI)
CHAIRMAN

29.5.1989.