

2/11

Central Administrative Tribunal
Principal Bench: New Delhi

RA No.58/93 in
OA No.251/87

Date of decision: 29.04.93.

Shri Gurdiyal Singh

...Petitioner

Versus

Union of India & Another

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. J.P. Sharma, Member (J)

O R D E R

This R.A. has been filed by the learned counsel for the respondents in the O.A. seeking review of our judgement in OA-251/87 rendered on 14.8.1992. The principal ground adduced is that the petitioner was a substitute Khalasi and was allowed to draw pay in regular scale of Rs.196-232. He, however, continued to remain unscreened and as such he was not a regular employee.

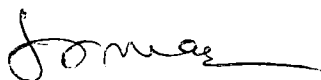
2. We have heard the learned counsel Shri P.S. Mahendru and considered the matter very carefully. The settled law is that once a judgement is signed and pronounced it cannot be altered. The review can be undertaken only if the grounds adduced are covered by the statutory exceptions to the settled law as provided under Order XLVII of Code of Civil Procedure. The principal ground adduced in the R.A. has already been covered in our judgement. We have observed that the petitioner was placed on the regular scale of pay. The principal reasons which led to the directions given to the respondents were that the petitioner had not abandoned his job and that his service was

d

4/12

terminated by the respondents treating him as a substitute Khalasi on daily wages. This averment of the respondents was found to be factually incorrect. Further the petitioner was placed under suspension when he was arrested. He was convicted by the Court of Sessions and was later acquitted by the Allahabad High Court on 13.5.1981. If he was a daily wager and not a regular employee he could not have been placed under suspension. Further, after placing him under suspension, no decision was taken as to how the period of suspension should be treated for well over a decade. It was in these circumstances the directions were issued to the respondents in the judgement dated 14.8.1992.

3. After carefully considering the matter, we are of the opinion that the grounds of the review petition are not covered by the statutory exceptions nor review justified on merit. The R.A. is accordingly rejected.



(J.P. SHARMA)
MEMBER(J)



(I.K. RASGOTRA)
MEMBER(A)

San.