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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

* * *

Date of Order: 24-3-93

RA 69/93 in
OA 1373/87

SHRI MUKESH GAUTAM VS. UNION OF INDIA & ORS.

O R D E R (BY CIRCULATION)

This is an application dated 12.2.93 u/s 22(3) Administrative Tribunals Act, 1985, filed by Shri Mukesh Gautam, praying for review of the judgement dated 13.1.93, passed by this Tribunal in OA 1373/87.

The applicant's case is that OA ^{was} that he was appointed as casual labourer in the Agra Telephone Distt. and had worked for more than 240 days in the year 1983. On the ground that, he had been verbally told that he should not come for duty, he had approached this Tribunal for quashing the verbal order dated 8.9.87, and to treat him on duty with continuity of service, and for a further direction to the respondents to regularise his services with consequential beliefs.

That OA was heard on 13.1.93. None appeared for the applicant. Mrs. Raj Kumari Chopra appeared for the respondents.

It was contended on behalf of the respondents that there was no regular work which required continuous appointment

and whenever there was a need, appointment was offered to the persons like the petitioner as a casual labourer untill the work lasted. Among such persons, the petitioner was the juniormost. Whenever there was no work in one unit and there was work in another unit of the organisation, according to seniority such casual labourers were offered appointment in the other unit. As there was no regular work, the question of absorbing the applicant on a regular post did not arise. Moreover, when there was no work in one unit, the petitioner was offered work in another unit but he did not report for duty and remained silent. Furthermore, before the petitioner approached this Tribunal for relief, there was not even a representation made by him.

Having regard to the averments made by the respondents, which the Tribunal had no reasons to dis-believe, the application was dismissed, and this petition has now been filed praying for review of the same.

Under Order XXXVII Rule 1 of the CPC, a decision/judgement/order of the Tribunal can be reviewed only:

a) if it suffers from any error on the face of the record;

b) it is liable to be reviewed on account of discovery of any new material or evidence which was not within the knowledge of the

party or could not be produced by him at the time the judgement was made despite due diligence, or;

c) for any sufficient reason, construed to mean 'analogous reason'.

The main ground taken in the Review Petition is that 11 persons/casual labourers, who were junior to the applicant and were removed with him in February, 1984, were taken back after two months only, are working as casual labourers in the department though the applicant was removed from time to time. The other grounds taken are that there was regular work in the department and the applicant could, therefore, be absorbed on regular post and further, the applicant did report for duty when he was offered work in another unit.

These assertions made by the applicant were fully considered by the Tribunal before the application was dismissed by judgement dated 13.1.93. The applicant had made these assertions directly or indirectly in the OA itself, and they had refuted by the respondents in their counter-affidavit as well as during the course of hearing, and the Tribunal had held that it had no reasons to disbelieve the averments made by the respondents and had accordingly dismissed the application.

It is clear that none of the grounds taken by the petitioner bring it within the scope of review as outlined in Order XXXXVII Rule 1 CPC (supra). Neither has there been any error on the face of the record, nor has any new material or evidence been brought to light which could not be produced at the time the judgement was delivered, nor has there been any other analogous reason to justify the review.

Under the circumstances, this petition for review has no merit and it is accordingly dismissed.

Adige
(S.R. ADIGE)

MEMBER (A)

Malimath
(V.S. MALIMATH)
CHAIRMAN