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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

R.A. NO. 236/97

O.A. No. 1418/87

New Delhi this 10th Day of February 1994

The Hon'ble Mr. J.P. Sharma, Member (J)

The Hon'ble Mr. B.K. Singh, Member (A)

Shri Tripurari Jha,
Son of Shri Deekant Jhan,
Post Office Manik sheuk (South Tola),
Distt. Sitamarhi,
Bihar.

... Applicant

(By Advocate : None) . . .

Versus

1. Shri Mabih-Uz-Zaman,
Secretary, Ministry of Railways,
Railway Board, Rail Bhawan,
New Delhi.

2. Shri Radhey Sham, Parsad,
General Manager,
N.E. Railway,
Gorakhpur,

3. Shri R.N. Jain,
Divisional Railway Manager,
N.E. Railway,
Samastipur.

... Respondents

(By Advocate : Shri H.K. Gangwani)

ORDER (ORAL)

Hon'ble Mr. J.P. Sharma, Member (J)

The Review Applicant has sought the review of the Judgement delivered in a bunch of cases decided on 23.5.1988 by a common judgement. The review applicant has been an applicant in OA No. 1418/87 since all the applicants have ^{been} ~~not~~ made parties ⁱⁿ ~~in~~ the review application so the application is defective in itself. In any case we have considered the grounds for review. The prayer in the review application is that the word 'Continuous' be deleted in Para 38(i) of the judgement and Para 38(iii) be amended as follows:

...2.

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The period of from the date of termination to the date of reinstatement will not be treated as duty. The applicants will not also be entitled to any back wages for the period for which they have not worked.

2. None appeared for the review applicant so we have gone to the grounds mentioned in the Review Application. The ground for reviewing the judgement is that the applicants apprehend that the respondents may not pay the wages as due to them for the period for which they have worked on account of the aforesaid direction. The direction given in the judgement in Para 38 are as follows:

1. The respondents are directed to reinstate the applicants to the post of Mobile Booking Clerk in OA Nos. 137 6/87, 1101/87, 1513/87, 619/87, 1030/87 488/87, 193/87, 603/87, 590/87, 1418/87, 640/87, 472/87, 1853/87, 607/87, 1771/87, 857/87, 555/87, 398/87, 1662/87, 1747/88, 1326/87, 1855/87, 1341/87, 1011/87, 1478/87, 1411/87, 1615/87 and 1740/87 from the respective dates on which their services were terminated, within a period of 3 months from the date of communication of a copy of this order. The respondents are further directed to consider all of them for regularisation and absorption after they complete 3 years of continuous service (including the service already put in by them before their termination) and after-put verification of their qualifications for permanent absorption. Their regularisation and absorption would also be subject to their fulfilling all other conditions as contained in the Railway Board's Circulars dated 21.4.1962 and 20.4.1985. However, if any such person has become overaged in the mean while, the respondents shall relax the age limit to avoid hardships.

ii) After reinstatement to the post of Mobile Booking Clerk, the respondents are directed to consider confer temporary status on the applicants in O.A. Nos. 1376/87, 1101/87, 1513/87, 619/87 1030/87, 640/87, 472/87, 607/87, 590/87, 1418/87 488/87, 193/87, 603/87, 590/87, 859/87, 555/87, 398/87, 1662/87, 1341/87, 1011/87, 1478/87, 1411/87, 1651/87 and 1740/87, if on the verification of the records, it is found that they have put in 4 months of continuous service as Mobile Booking Clerks and treat them as temporary employees. They would also be entitled to regularisation as mentioned in (i) above.

iii) The period from the date of termination to the date of reinstatement will not be treated as duty. The applicants will not also be entitled to any back wages.

iv) There will be no order as to costs. A copy of this judgement be placed in all the case files.

3. The word 'Continuous' in Para 38 has been in the order of in its original meaning and meaning of the sentence cannot be changed by deleting this word. Similarly, in Para 38(iii) the addition of the word desired by the review application "for the period for which they have not worked" cannot be added as the earlier direction given ^{shall} stand modified which cannot be done in review.

4. There is no merit in this review application. The same is dismissed.


(B.K. Singh)
Member(A)


J.P. Sharma
Member(J)