

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

RA 67/94 IN CA 1085/88

Hon'ble Shri C.J. Roy, Member(J)
Hon'ble Shri B.K. Singh, Member(A)

Dr. Bharatendu Saraswat
s/o Shri V.N. Saraswat
1/10848, Subhash Park
Shahdara, Delhi-32 .. Applicant

By Shri B.S. Charya, Advocate

Versus

1. Director General, Health Services
Nimman Bhavan, New Delhi
2. The Additional Director
CGHS, Nimman Bhavan
New Delhi .. Respondents

By Shri P.P. Khurana, Counsel for
the respondents

O R D E R (By circulation)

(By Hon'ble Shri C.J. Roy, Member(J))

The applicant has filed this review application aggrieved by the judgement delivered in DA No.1085/88 dated 27.9.93, the operative part of which is reproduced below:

"It is, therefore, logically follows that this short-term contractual appointment on monthly wage basis does not entitle him to continue in service, as if he is holding a civil post. It is more so because he accepted the conditions and joined the service, and as per condition laid down in Annexure-I of the counter, the applicant could not have been appointed after he completed the age-limit of 35 years on 1.7.88. We therefore feel that the application has no merit and is therefore dismissed."

2. The contention of the applicant for filing the review is that this Tribunal has given direction in favour of similarly placed persons like him - DA 1186/88 dated 3.11.93 and T-199/86 dated 25.7.1991 - for consideration of their cases by the UPSC for adjusting against vacant posts, if any, and therefore his case also may be considered on those lines.

(12)

3. As per order 47, Rule 1 of CPC, a review application can be filed only (i) when some new material which is not available with the applicant at the time of hearing and that comes into possession subsequently and which has a bearing on the case, or (ii) that there is an apparent mistake on the face of the record that has crept in the judgement or (iii) if there is any sufficient reason. However, none of these conditions is noticed in the present RA.

4. Also, as per AIR 1975-SC 1500, a review of the judgement is a serious step and a reluctant resort to it is proper only where a glaring omission or a patent mistake or a grave error has crept in earlier by judicial fallibility.

5. All the points raised have already been argued and considered by us and besides a review can not be converted into an appeal by reurging the same points again and again.

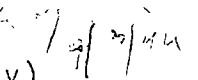
6. As already mentioned in our judgement dated 27.9.93, the applicant was engaged for a period of 90 days from 10.8.87 to 9.11.87, on the terms of conditions that were known to the applicant. He was engaged again on the same terms and conditions and when finally he was terminated on 1.7.88 he had already completed 35 years and therefore he was not reconsidered for fresh appointment.

7. While delivering the above stated judgement, we had patiently heard the arguments and averments made by both the learned counsel during the hearing and carefully gone through the records and material placed before us and thereafter a conscientious decision was taken.

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8. In the circumstances, we are of the opinion that the applicant has not made out a proper case for a review. Accordingly, the review application is dismissed devoid of merits. No costs.


(B.K. Singh)
Member (A)


(C.J. Roy)
Member (J)