

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. RA 88/90
T.A. No.

199

DATE OF DECISION 6.12.90

Harkesh Sharma

Petitioner

Shri B.S. Mainee

Advocate for the Petitioner(s)

Versus

~~MOI and others~~

Respondent

~~Shri P.S. Mahendru~~

Advocate for the Respondent(s)

Shri D.S. Mahendru

CORAM

The Hon'ble Mr. S.P. Mukerji, V.C.

The Hon'ble Mr. G. Sreedharan Nair, V.C.

1. Whether Reporters of local papers may be allowed to see the Judgement ? ☒
2. To be referred to the Reporter or not ? ☒
3. Whether their Lordships wish to see the fair copy of the Judgement ? ☒
4. Whether it needs to be circulated to other Benches of the Tribunal ? ☒

(G. Sreedharan Nair)
Vice-Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Registration No. R.A.88 of 1990

Date of order 6.12.1990

Harkesh Sharma

Applicant

- versus -

The Union of India and others..

Respondents

CORAM: Hon'ble Shri S.P. Mukerji, V.C.

Hon'ble Shri G.Sreedharan Nair, V.C.

Counsel for the applicant : Shri B.S. Mainoo

Counsel for the respondents : S.P.S. Mahendru,
S.D.S. Mahendru.

ORDER

Hon'ble Shri G.Sreedharan Nair, V.C.:-

This is a petition by the applicant in the original application for review of the final order. The petition is opposed by the respondents.

2. The ground on which the review is sought for is that as the applicant had acquired temporary status, having continuously worked under the respondents as casual labour for the prescribed period, there is an error apparent on the face of the final order as it proceeds on the premise that the applicant has not acquired temporary status.

3. There is no substance in the review petition.

4. The applicant had not case in the original application that he had acquired temporary status. On the other hand, the ground on which

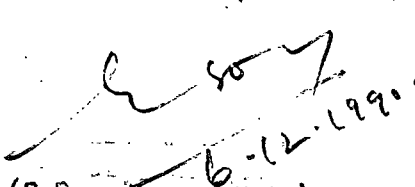
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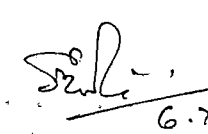
the application was based is that the applicant was a regular employee and hence his discharge from service without the conduct of an enquiry is illegal. This matter was considered in the final order and since there was no material to substantiate the said averment, the application was dismissed. Incidentally, while referring to the plea of the respondents denying the allegation of the applicant that he was a regular employee, it was observed in the final order that the respondents have also stated in the reply that as a casual labour, the petitioner did not even acquire temporary status.

5. Counsel of the petitioner invited our attention to the averment in the original application with respect to the service of the petitioner as casual labour. There is no statement that the said service was continuous. That apart, the respondents had clearly contended in the reply to the original application that the petitioner was engaged only as an unscreened substitute on provisional basis. At any rate, there is no averment in the original application that the petitioner had acquired temporary status.

6. There is no error apparent on the face of the record as was attempted to be established by the counsel of the petitioner.

7. The petition is dismissed.


(G. Sreedharan Nair)
Vice-Chairman


(S.P. Mukerji)
Vice-Chairman

C. Mahte
4.12.90