

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

Present: Hon'ble Mr. Justice V.S. Malimath ... Chairman
Hon'ble Mr. S. Gurusankaran ... Member(A)

REVIEW APPLICATION NO. 221/1991

IN

O.A. NO. 289/1988

Shri Ashesh Chandra Applicant

V/s.

Union of India & Others Respondents

This Review Application having come up for Orders by Circulation, Hon'ble Shri S. Gurusankaran, Member(A), made the following:

O R D E R

I have gone through the Review Application filed by the applicant in O.A. No.289/1988 for reviewing the judgement in so far as it relates to denial of back wages. In support of his contention, the applicant has cited a number of cases. These cases are not on all fours with the present case. In O.A. No.289/1988, the applicant's services were terminated on the ground that he did not fulfil the minimum qualifications/experience, prescribed for the post on the date of submission of the application. It was not a case of removal or dismissal as a result of disciplinary proceedings or illegal retrenchment from service. In fact, it has been accepted in the judgement that the applicant did not possess the required qualification/experience on the date of submission of the application. However, it was held in para-5 as under:

"But in the peculiar circumstances of this case and having regard to the specific averment of the applicant, that the actual appointment was deferred so as to enable him to acquire the prescribed experience, the failure to take this aspect into consideration before terminating the service of the applicant, has to be taken serious note of. There is also the circumstance that on the eve of the offer of appointment, the applicant had resigned the job that he was holding in the Taj Palace Hotel. In addition to the foregoing circumstances, the failure on the part of the respondent to afford the applicant an opportunity of being heard before the termination of his service is a clear violation of natural justice."

Thus, the Bench has allowed the application keeping the peculiar circumstances of the case and allowed only these reliefs, which it deemed necessary for affording substantial justice. Therefore, I do not find any sufficient grounds for allowing the Review Application and accordingly, it is dismissed.

I agree
M. Elumalai

Hon'ble Chairman.

S. Gurusankaran
(S. GURUSANKARAN)
24.12.1991

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