

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

⑥  
Pet 9-6-89.

REVIEW APPLICATION NO.49/89

Ajab Singh

Applicant

versus

Union of India and another

Respondents

CORAM:

Hon'ble Shri P.K.Kartha

Vice Chairman (J)

and


Hon'ble Shri P.Srinivasan

Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgment? Yes
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment? } No
4. Whether to be circulated to other Benches?

(Judgment delivered by Hon'ble Shri P.Srinivasan, Member(A))

  
(P.K.KARTHA)  
Vice Chairman(J)

  
(P.SRINIVASAN)  
Member(A)

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JUDGMENT

By this application, the applicant wants us to review the order passed by us on 17.2.1989 rejecting his original application No.76 of 1989 at the stage of admission itself.

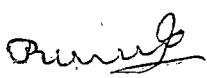
2. In the said original application the applicant challenged dated <sup>the</sup> an order/21.7.1982 terminating his services as well as an order dated 2.11.1988 declining to reemploy him. We took the view that the cause of action in respect of the first mentioned order having arisen prior to 1.11.1982 it could not be entertained by this Tribunal. We mentioned that this was the view taken by several benches of this Tribunal. So far as the second mentioned order was concerned we took the view that <sup>H K</sup> applicant having been out of employment since 1982 could not, as of right, claim reemployment in 1988. We also observed that the case of the applicant was not comparable with those of 51 others notified in a letter dated <sup>M</sup> 9.5.1988 issued by the Collector of Central Excise for consideration for regular appointment as sepoy as they continued to be in employment on the date of the said letter <sup>M while</sup> which the applicant was <sup>in employment</sup> not. We therefore rejected the challenge to both the orders dated 21.7.1982 and 2.11.1988 in our afore said order dated 17.2.1989 and rejected the application at the admission stage. We dictated the said order in open court in the presence of the applicants' <sup>M</sup> counsel after hearing him.


3. In the present application, the applicant states that we were in error in rejecting the application on the ground that the cause of action arose prior to 1.11.1982. He has cited a number of authorities to support this contention.

*P. S. S.*

4. As we have already indicated above, we did reject the challenge to the order dated 21.7.1982 on the ground that it related to a cause of action which arose prior to 1.11.1982. But we also considered and rejected the challenge to the order dated 2.11.1988 on merits in accordance with <sup>our</sup> an understanding of the situation. If the applicant feels that either of these decisions is wrong, his remedy lies in appeal and not in review. If we have committed an error of judgement which according to us we have not, but which nevertheless cannot be ruled out altogether, it is not for us to sit in appeal over our own order.

5. In view of the above, the review application is rejected at the stage of admission itself in terms of Rule 17(iii) of the Central Administrative Tribunal Procedure Rules 1987.

  
(P.K.KARTHA)  
Vice Chairman(J)

  
(P.SRINIVASAN)  
Member(A)

bk.