

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW DELHI

(12)

RA 156/90 in  
O.A. No. 371/90 with  
T.A. No. MP 3005/90

199

DATE OF DECISION 29.5.1991

Shri Tarsem Lal Verma	Petitioner
	Advocate for the Petitioner(s)
Versus	
Union of India & Others	Respondent
	Advocate for the Respondent(s)

### CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *NO*
3. Whether their Lordships wish to see the fair copy of the Judgement? */NO*
4. Whether it needs to be circulated to other Benches of the Tribunal? */NO*

### JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha, Vice Chairman(J))

The petitioner in this RA is the original applicant in OA 371/90 which was disposed of by judgment dated 16.7.1990. His prayer in the OA was for quashing the impugned order dated 31.10.1989 whereby the period of his probation was extended upto 15.7.1990. He had also prayed that he should be removed from probation with effect from 15.7.1988 and that the respondents be directed to declare him permanent in the post of Photographic Officer w.e.f. 15.7.1988. After going through the records of the case and hearing both parties, the Tribunal held that as the relevant recruitment rules did not

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provide any optimum period of probation, the stipulations contained in the offer of appointment regarding the discretion of the competent authority to extend the period of probation, must be deemed to be supplementary to the relevant recruitment rules. The validity of such a stipulation cannot be disputed. In this context, the Tribunal had relied upon the decision of the Supreme Court in State of Gujarat Vs. Akhilesh Bhargav, 1987(3) SCC 482 at 485.

2. The petitioner has not brought out any error apparent on the face of the judgement or any fresh facts warranting a review of the judgment. It may be that he is aggrieved by the decision of the Tribunal in which case the appropriate course for him would be to prefer an appeal to the Supreme Court and not to re-agitate the matter in a review petition. His contention that the judgment of the Tribunal is per incuriam is also not tenable. Since the Tribunal has no inherent power like the Supreme Court, he cannot invoke the principle of per incuriam in the proceedings before the Tribunal. In this context, we respectfully follow the decision of the Tribunal dated 24.9.1991 in No.155/90 in OA 219/89 (M.A. Dewan Vs. U.O.I.)

3. . TA 156/90 and MF 3003/90 are accordingly dismissed.

*Duchessan*  
(D.K. CHAKRABORTY)  
MEMBER (A)

*Devi*  
(P.K. KATHA)  
VICE CHAIRMAN (J)