

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

~~1~~ 20

Regn. No. RA-174/92 In
RA-156/90 In
OA-371/90

Date of decision: 24.2.1993.

Shri Tarsem Lal Verma Petitioner

Versus

Union of India & Ors. Respondents

For the Petitioner In person

For the Respondents Shri K.S. Dhingra, Sr. A.O.,
Ministry of Defence.

CORAM:-

HON'BLE SHRI P.K. KARTHA, VICE CHAIRMAN(J)

HON'BLE SHRI B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgement? *Yes*
2. To be referred to the Reporters or not? *No*

J U D G E M E N T

(of the Bench delivered by Hon'ble Sh. P.K. Kartha

Vice Chairman(J)

We have gone through the records of the case carefully and have heard the applicant in person. The respondents have not filed their reply to the present R.A. The petitioner had filed OA-371/90 which was disposed of by judgement dated 16.7.90. His prayer in the main application 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

a

removed from probation w.e.f. 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 the parties, the Tribunal held that as the recruitment rules did not 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 relied upon the decision of the Supreme Court in State of Gujarat Vs. Akhilesh Bhargav, 1987 (3) SCC 482 at 485.

2. Feeling aggrieved by the aforesaid judgement, the petitioner filed RA-156/90 which was disposed of by judgement dated 25.9.1991. The R.A. was dismissed as the Tribunal came to the conclusion that the petitioner had not brought out any error of law apparent on the face of the judgement, or any fresh facts warranting a review of the judgement.

3. RA-174/92 filed by the petitioner, is in the nature of a second review petition. In our opinion, the petitioner has no legal right to file a review petition in a review petition

α

.....3...

22

which has already been disposed of (Vide J. Ramaswamy Vs. Government of Andhra Pradesh, 1989 (2) SCALE 1405). In case, the petitioner is aggrieved by the judgement in OA-371/90 or in RA-156/90, he has to prefer an appeal in the Supreme Court and not to reagitate the matter before the Tribunal by filing a second review petition. RA-174/92 is, accordingly, rejected. There will be no order as to costs.

B.N. Dhouliyal
(B.N. Dhouliyal) 24/2/93
Administrative Member

P.K. Kartha
24/2/93
(P.K. Kartha)
Vice-Chairman(Judl.)