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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH,
NEW DELHI.

R.A.No.238/95

IN

O.A.No.2304/90

New Delhi: this the 22nd day of July, 1997.

HON'BLE MR.S.R.ADIGE MEMBER(A).

HON'BLE DR. A.VEDAVALLI, MEMBER (J).

Shri Ashok Sehgal,
Handicrafts Promotion Officer

Office of the Development Commissioner,
(Handicrafts)

Govt. of India,

Ministry of Textiles,

West Block No.7,

R.K.Puram,

New Delhi -110066

(By Advocate: Shri B.S.Mainee).

.... Review Applicant.

Versus

Union of India through

1. The Secretary,
Ministry of Textiles,
Govt. of India,
Udyog Bhawan,
New Delhi.

2. The Development Commissioner for Handicrafts,
Govt. of India,
West Block No.VII, R.K.Puram,
New Delhi

.. Review Respondents.

(By Advocate: Shri K.R.Sachdeva)

ORDER

BY HON'BLE MR.S.R.ADIGE MEMBER(A).

Heard.

2. As regards the first ground, Memo dated 21.11.77 (Annexure-A3) nowhere states that the offer of appointment made to applicant to the post of Junior Field Officer(JFO) was an offer of regular appointment. If it was an offer of regular appointment, the Memo would not have stated that it was terminable at any time without notice and without assigning any reason. Applicant in his rejoinder to the OA has not denied that he

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applied for the post in response to respondents' Circular dated 21.7.77 which made it clear that the posts of JFO were to be filled up on adhoc basis pending regular appointment through UPSC. It is in this background and in the context of Respondents' office order dated 7.1.78 that the Tribunal in the opening lines of the impugned judgment dated 8.6.95 stated that applicant was appointed as a JFO on adhoc basis w.e.f. 15.12.77. Hence it cannot be said that this matter was not considered in the impugned judgment. The judgment of CAT Jodhpur Bench dated 2.3.87 in T.A.No.494/86 N.K.Bhaskaran Vs. UOI was not relevant in the present case, because in Bhaskaran's case (supra) the advertisement against which he applied never said that the post was to be filled up on adhoc basis, while in the present case the circular dated 21.7.77 against which applicant applied, specifically stated that the post was to be filled up on adhoc basis pending regular appointment through UPSC. Hence this ground fails.

3. Coming to the second ground, it is true that respondents had addressed a communication dated 12.3.85 to UPSC recommending regularisation from the date of adhoc appointment on sympathetic consideration, but if the UPSC did not agree with these recommendations as they were not in consonance with relevant rules, it does not advance the applicant's claim for review of the impugned

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judgment.

4. Coming to the next ground, we note that the Tribunal has discussed the applicability of the Hon'ble Supreme Court's judgment dated 13.9.94 in CA No.3009/89 S.K. Sehgal Vs. UOI to the facts of the present case and has concluded that it is distinguishable on facts. It was open to applicant to challenge that finding in the background of respondents' averments in para 4.23 of their reply to the OA, but such a challenge cannot be mounted through an RA, whose scope and ambit is severely limited and circumscribed by the provision of Section 22(3)(f) AT Act read with Order 47 Rule 1 CPC.

5. In the result the RA is rejected.

A. Veda Valli
(DR. A. VEDAVALLI)
MEMBER(J)

S. P. Adige
(S. P. ADIGE)
MEMBER(A).

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