

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(13)

Regn.No. RA 178/92 in
OA 2987/91

Date of decision: 21.05.1992

Shri Rakesh Kumar

...Petitioner

Vs.

Medical Superintendent,
E.S.I. Hospital & Others

...Respondents

CORAM:

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

The Hon'ble Mr. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *yes*
2. To be referred to the Reporters or not? *M*

JUDGMENT

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

The petitioner in this RA is the original applicant in OA 2987/91 which was disposed of by judgment dated 04.03.1992. The petitioner who had worked as a daily wage Nursing Orderly had filed the main application claiming regularisation in the said post. He had also sought for a direction to the respondents not to recruit new incumbents as Nursing Orderlies till he was absorbed on regular basis and allowed him to perform duty. *✓*

2. After hearing the learned counsel of both parties and going through the records of the case carefully, the application was disposed of with the direction to the respondents to consider engaging the petitioner as Nursing Orderly on daily rated basis so long as there was need for engaging such persons in preference to persons with lesser length of service and outsiders. The respondents were further directed to consider his case for regularisation as Nursing Orderly in accordance with the relevant Recruitment Rules and subject to the availability of vacancies.

3. The petitioner has prayed that the judgment dated 4.3.1992 be reviewed and that an order be passed on the lines of the judgment of the Tribunal dated 30.03.1992 in OA 2603/91 (Shri Azad Singh Vs. E.S.I. Corporation & Others).

4. After going through the records raised in the RA, ^{of law a} we see no error apparent on the face of the judgment. The petitioner has also not brought out any fresh facts warranting a review of the judgment. The relief in each case is moulded depending on the facts and circumstances. We see no merit in the present RA and the same is dismissed.

B.N. Dholndiyal
(B.N. DHOUDIYAL)
MEMBER (A)

21.05.1992

Parmanu
(P.K. KARTHA)
VICE CHAIRMAN (J)
21.05.1992

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