

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

R.A.No. 296/93

in
D.A.No. 2363/91

DATE OF DECISION

20.9.93

Shri Balinder Singh & Another Petitioner

Advocate for the Petitioner(s)

Versus

Commissioner of Police & Another Respondent

Advocate for the Respondent(s)

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The Hon'ble Mr. I.K. Rasgotra, Member (A)

The Hon'ble Mr. B.S. Hegde, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

O_R_D_E_R

The applicants have filed the Review Application seeking review of the judgement dated 28.07.1993. We have seen the Review Application and we are satisfied that the review application can be disposed of by circulation under Rule 17(iii) of the CAT (Procedure) Rules, 1987 and we proceed to do so.

2. The brief facts of the case are that the applicants

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services have been terminated under Rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965 by order dated 21.4.1988. The main thrust of the applicant^{late} is that their services should not have been terminated by an order simplicitor without any show-cause notice or without conducting an enquiry under Delhi Police (Punishment and Appeal) Rules, 1980. Hence, the orders are illegal and liable to be quashed.

3. It is an undisputed fact that the applicants were appointed as Constable in Delhi Police and in accordance with the relevant rules on a temporary basis. As per the scheme, they have to undergo training during the probation period of two years which is liable to be extended upto three years, and their services have been terminated during the probationary period. It is not the case of the applicants that they have completed the probation period successfully. During probation period it has come to the knowledge of the Respondents that the applicants have secured the employment by producing fake employment cards at the time of recruitment in Delhi Police. Accordingly, their services have been terminated in

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accordance with the rules.

4. Under Order 47 Rule 1 C.P.C., a decision/
judgement/order can be reviewed only if -

- (i) it suffers from an error apparent on the face of the record;
- (ii) new material or evidence is discovered which was not within the knowledge of the parties or could not be produced by that party at the time the judgement was made, despite due diligence; or
- (iii) for any sufficient reason construed to mean analogous reason.

5. The learned counsel for the applicant has furnished two judgements of the Principal Bench of this Tribunal which were not stated in the O.A. nor cited at the Bar. The judgements were adduced subsequent to the delivery of the judgement. The Supreme Court, as early as 1975, in Chandra Kanta and another vs. Sheik Habib A.1975 SC 1500_7 has held that once an order has been passed by the Court, a review thereof must be subject to the rules of the game and cannot be lightly entertained. A review of a judgement is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial

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fallibility.



6. A perusal of the review application makes it clear that none of the ingredients referred to above have been made out to warrant a review. Decisions of this Tribunal enclosed along with the review application had not been cited at the time of hearing of the case or stated anywhere in the averments made in the O.A. Supreme Court in the State of Uttar Pradesh vs. K.K. Shukla [JT Vol.I 1991 (1) SC 108] has held that temporary Govt. servant has no right to hold the post. His services are liable to be terminated by giving him one month's notice without assigning any reason either under the terms of the contract providing for such termination or under the relevant statutory rules regulating the terms and conditions of the temporary Government servant etc. In the instant case, the applicant's services have been terminated in accordance with the rules without assigning any reasons and the order of termination simpliciter does not assign any reason. In the circumstances, we do not see any merit

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in the Review Application and the same is rejected in circulation. The grounds raised in the Review Application are more germane for an appeal and not for review. The Review Application is, therefore, dismissed. R.A. in circulation.

(B.S. Hegde)
Member (J)

17/7/93

(I.K. Rasgotra)
Member (A)