

CAT/7/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

R.A.No. 296/93
in
O.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)

CORAM

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

Ab Hegde

..



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 appli-

cants 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 termi-

nated during the probationary period. It is not

the case of the applicants that they have comple-

ted 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. Accord-

ingly, their services have been terminated in

ABH

16

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 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

RRB

 
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 any where in the

arguments made in the O.A. Supreme Court in the

State of Uttar Pradesh vs. K.K. Shukla 3 JT Vol.I

1991 (1) SC 108₇ 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 simplicitor does not assign any

reason. In the circumstances, we do not see any merit



..

(18) ~~(10)~~

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
(B.S. Hegde) 17/1/93
Member (J)

I.K. Rangotra
(I.K. Rangotra)
Member (A)