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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R. A. NO. 19/94 in
O. A. NO. 1353/92

New Delhi this the 4th day of February, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Union of India ... Petitioner
By Advocate Shri M. L. Verma

Versus

Malkhan Singh & Ors. ... Respondents

O R D E R (ORAL)

Hon'ble Mr. Justice V. S. Malimath —

We do not find any error apparent on the face of record justifying review. One of the grounds urged by the learned counsel for the petitioners is that direction No. (a) requires that the respondent's services should be regularised, but there is no post in which the respondent's services can be regularised. The direction cannot be understood as requiring regularisation of services even when there is no regular vacancy as such. It is made clear that regularisation shall be made in accordance with the instructions issued by the Department of Personnel and Training from time to time. Hence, if there is no regular vacancy and if for that reason the respondent's services could not be regularised, the petitioners could not be acting in violation of direction No. (a).

2. Another submission is that direction No. (c) requires the respondents to be given the minimum of the scale of Group 'D' posts. The contention is that there is no provision to pay minimum of the scale of a particular post to a person who is not appointed on a regular basis on that post. In other words, this submission amounts to finding fault with the direction which has been issued having regard to the relevant facts, justice and equity. The petitioners are, therefore, bound to give the minimum of the scale of pay of Group 'D' posts to the respondents. Hence, the judgment does not suffer from any error apparent on the face of record.

3. Subject to this clarification, the present review application is rejected.



S. R. Adige
(S. R. Adige)
Member (A)

(V. S. Malimath)
Chairman

/as/