

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

R.A.No.153/93

Date of order: 16-8-93

M.P.No.1417/93

O.A.No.1357/92

Sh. Lakshman Prasad

Applicant

versus

Union of India & Ors.

Respondents

Coram:-

The Hon'ble Mr. S.K. Dhaon, Vice-Chairman

The Hon'ble Mr. B.N. Dhoundiyal, Member(A)

For the applicant : Sh. R.L. Dhawan, counsel

For the respondents : Sh. J.C. Singhal, counsel

ORDER

(delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

This Review Application has been filed by the Union of India & Ors. (respondents in O.A.No.1357/92) against the judgement dated 5.1.1993 of a Bench of this Tribunal delivered by Hon'ble Justice Ram Pal Singh, Vice-Chairman and Hon'ble Sh. I.P. Gupta, Member(A) (as they then were). In para 6 of the said judgement, it has been mentioned that "We find that the respondents have done some screening on 23.1.1989 for regularisation of casual labourers of COFMOW of Northern Railway." However, in para 7, a direction was given that " The screening of the applicants for regularisation in Khallasi's grade, as if it was done on 23.1.1989, should be completed

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within a period of four months from the date of communication of this order." The petitioners have claimed that the screening test was held on 23.1.1989 for assessing the suitability of the applicants for absorption in open line in Delhi Division of Northern Railway and the said screening test was not held for regularisation of the services of the applicants against group 'D' vacancy. They claimed that this is an error apparent on the face of record justifying recall of the judgement and modification.

We have heard the learned counsel for the petitioner as well as the respondents (applicants in OA 1357/92). The petitioners have filed M.P.No.1417/93 for condonation of delay. They had received a certified copy of the judgement on 15.1.1993 but the present R.A. was filed on 4.5.1993. We find that the petitioners have not been able to explain the inordinate delay satisfactorily, particularly they have not been able to clarify why having received a certified copy on 15.1.1993, the counsel for the respondents or the Chief Administrative Officer, COFMOW did not take any action at all to forward the same to the Divisional Railway Manager, Delhi Division till 17.2.1993. Also, the respondents in this Review Application have filed a copy of the letter dated 28.1.1993 (Annexure RR A-1) by which they had requested for implementation of the judgement of this Tribunal endorsing a copy thereof both to the General Manager and Divisional Railway Manager, Northern Railway. This means that all the respondents were aware of the judgement by February, 1992. M.P.No.1417/93 is therefore disallowed.

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Even on merits, this Review Application is not maintainable. The action for screening the workers was initiated by Divisional Office, Northern Railway who wrote to the Chief Administrative Officer of COFMOW on 11.1.1989 (Annexure RR A-3) that casual labourer having 8th passed educational qualification and 120 days of continuous service upto 31.12.1988 may be recommended for absorption against permanent vacancy. The names of these candidates were forwarded but they were screened on 23.1.1989. No appointment could be given to them as the records were lost. In para 6 of the judgement dated 5.1.1993, this Tribunal had clearly mentioned that if as a result of fresh screening and considering the length of service if their turn comes they should be regularised. In fact, it appears from letter dated 19.3.1993 from Divisional Office, Northern Railway, Annexure RR A-2 that these workers were actually rescreened on 26.3.1993. We have been told by the learned counsel for the respondents in this Review Application that the screening has in fact been carried out. The Review Application is, therefore, liable to be rejected on merits also.

We direct that the decision of this Tribunal dated 5.1.1993 shall be implemented without any further delay.

B.N. Dhoundiyal
(B.N. Dhoundiyal) 16/13

Member(A)

S.K. Dhaon
(S.K. Dhaon)

Vice-Chairman

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