

Dated 9th Sept 1993
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A.No.209/93
in Oa 2568/92

Shri Bhajan Lal Sharma .. Applicant.

Vs.

Union of India .. Respondents.

ORDER

O.A.No.2568/92 was disposed of by our judgement dated 19-4-93. The applicant has requested for a review of that judgement. He has also filed MP 1953/93 praying for condonation of delay in filing the application for review.

2. We have seen the Review Application and are of the view that it can be disposed of by circulation.

3. In the view that we are taking in the Review Application, we condone the delay in filing it and allow MP No.1953/93.

4. Two points have been raised in the Review Application. Firstly, it is mentioned that the memorial to the President was in respect of his request to at least consider the past service prior to his resignation for pensionary purposes. The other point made is that the respondents had taken advantage of their dominant position and have re-appointed the applicant as a fresh recruit imposing a harsh condition that his past service will not count for any purpose. It is stated that it should be treated as re-employment and the pay should be fixed in accordance with the Re-employed Personnel (Conditions of Service) Rules, 1932. It is stated that as these points have not been taken into account, the judgement requires review.

5. We have carefully considered the matter. The applicant's resignation became final with the

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dismissal of his OA 271/86 by the Chandigarh Bench. Thereafter the respondents appointed him purely on compassionate grounds as he himself has admitted in para 1.11 of the An.A-3 memorial to the President of India. His appointment was stated to be as a fresh recruit by relaxing the recruitment rules. Hence the order dated 29-7-1981 in the O.A. which deprives him of the benefit of the past service for all purposes cannot be faulted on any ground.

6. In the circumstances, the respondents did not act unjustly by withholding his memorial to the President of India. We, therefore, see no ground to review our earlier decision. Hence the Review Application is dismissed.

met 9/9/93
(C.J.ROY)
Member (J)

Chu
8.9.93
(N.V.KRISHNAN)
Vice Chairman (A)