

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. No.298 of 1997 In
OA 2046 of 1992

(X6)

New Delhi, this the 14th day of December, 1999

HON'BLE SH. S. P. BISWAS, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

A.D. Kandpal
S/o late Shri P.N. Kandpal
R/o Kamal Niwas, Uttranchal Bihar
Donaharia, Bhutiapadav,
Haldwani, Nainital (UP)

..Review Applicant

None for the Review Applicant.

Vs.

Union of India through
the Secretary,
Ministry of Defence,
South Block,
New Delhi-110 011.

..Respondents

By Advocate Shri P.H. Ramchandani.

ORDER

By Hon'ble Shri Kuldip Singh, Member (J)

This is a Review Application filed by the applicant whose OA had been dismissed vide order dated 25.7.97. The applicant in his review application submitted that there is an error apparent on the face of the record so much so that the Tribunal had not taken into consideration the fact that the applicant is a Central Government employee as decided by the Division Bench of the Himachal Pradesh High Court and affirmed by the Hon'ble Supreme Court. He further submitted that no argument was advanced on the question of termination of the applicant and the fact that the termination order issued by the respondents was totally illegal and could not be sustained. Since the termination order could not be sustained and arguments on that had not been advanced, so an error on the face of record had appeared. On that

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basically the impugned order is to be set aside and has to be reviewed.

2. It is also pleaded that the applicant was a permanent employee and the respondents had falsely taken the plea that the applicant is a non-confirmed employee but this question was not argued nor a person having devoted his entire life can be said to be that he was a non-confirmed employee.

3. Respondents did not file any reply. However, the counsel for the respondents contested the application by advancing oral arguments.


4. We heard the counsel for the respondents and have also gone through the record.


5. From a perusal of the application we find that the main ground of the applicant to seek a review of the judgment given by this Tribunal is that an error on the face of the record had appeared because the Tribunal had not considered the written arguments submitted by the applicant nor the Tribunal had considered the judgment of Himachal Pradesh High Court which was affirmed by the Hon'ble Supreme Court and that no arguments were advanced on the point of termination that the termination order had been passed without any authority. However, from a perusal of the judgment in question, we find that all the contentions of the applicant have no merits.

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6. In para 3 particularly it is stated that the learned counsel for the petitioner had submitted that the impugned order of termination was wrong since the same was passed on the basis of misconduct since no enquiry was held and this contention was repelled in the judgment in paragraph 4 and as per the judgment of the H.P. High Court and affirmed by the Hon'ble Supreme Court are concerned, we may mention that these judgments relate to the status of the employee locally recruited at Nepal and whether such employee could be treated as Central Government employee or not. However, in a similar situation a case which was originally filed before the Hon'ble Supreme Court came to be transferred to the Principal Bench of the Tribunal and the co-ordinate Bench had held that the petitioner being a person locally recruited and working in the Pension Disbursing Office in Nepal is not entitled to any pensionary benefits. So relying upon the same, the Tribunal had held that the benefit of granting pension etc. cannot be made available to the petitioner. Thus, we find that all the contentions taken up by the applicant even in the Review Application had already been discussed and there do not appear to be any error apparent on the face of the record. As such, we are not inclined to review our order.

7. In view of the above, the RA has no merits and the same is dismissed. No costs.


(KULDIP SINGH)
MEMBER (J)


(S.P. BISWAS)
MEMBER (A)

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