

BY CIRCULATION

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDL. BENCH

ALLAHABAD

DATED: THIS THE DAY OF JUNE 1997

Coram : Hon'ble Mr. T. L. Verma JM  
Hon'ble Mr. S. Dayal AM

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Review Application no. 36 of 1996

IN

Original Application No. 254/94

Hari sh Chandra Ojha - - - - - Applicant

Sri J.M.Sinha

Versus

Union of India and others- - - - - Respondents

C/R Sri S.C.Tripathi

Order

By Hon'ble Mr. T. L. Verma JM

This application has been filed for review of the judgment and order dated 8.1.1995 passed in O.A. No. 254/94.

2. The aforesaid O.A. was filed for quashing the order dated 20.1.1994 cancelling the appointment as E.D.Mail Man. The applicant of the said O.A. was initially appointed as substitute EDMM at Pilibhit R.M.S. in place of Nokhey Lal by order dated 1.4.1992. He worked as such till 16.2.93. He was again appointed on the said post on 24.2.93 and continued to work as such till 23.3.1993. He was thereafter appointed provisionally as EDMM

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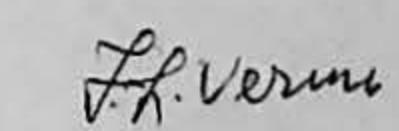
on 9.12.1993 and continued on the said post upto 10.12.1993. Again by order dated 14.1.1994, applicant was given provisional appointment in terms of instruction issued by letter dated 23.2.1987 of the Post Master General. The said appointment of the applicant was cancelled on the directions of respondent no.3. On the consideration of the pleadings of the parties and other materials on record, the O.A. was dismissed.

3. We have perused the orders sought to be reviewed and also the averments made in the Review application. From the perusal of the judgment and order sought to be reviewed, it is absolutely clear that the applicant had been appointed provisionally without following the procedure laid down in different instructions issued by the competent authority in that behalf from time to time. That being so, it was held that the applicant had acquired no right to hold the post. In the facts and circumstances of the case, it was found that the order terminating the services of the applicant was perfectly justified ~~or~~ for that matter it did not warrant interference by this Tribunal.

4. The applicant has failed to make out any case as may justify to invoke the review jurisdiction. The applicant has in fact sought fresh judgment of the controversy by invoking review jurisdiction. This is not permissible under law.

5. In view of the above, we find no merit in this review application and the same is dismissed accordingly.

  
Member (A)

  
Member (J)