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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

R.A.N o. 11/2000 in OA No.871/ 97

Allahabad, this 7th day of February, 2001

Hon'ble Shri M.P. Singh, Member (A)

Dukhi Lal .. Applicant
(By Shri Sanjay Kumar, Advocate)
Versus
Union of India & Ors. .. Respondents
(By Shri Abhish Tripathi, Advocate)

ORDER (in circulation)

This review application is filed on behalf of the Union of India for review of the order dated 11.1.2000 passed in OA No.871/1997 by this Bench by which the respondents were directed to regularise and absorb the services of the original applicant as Turner (Group D) within a period of three months from the date of communication of the said order.

2. As per rules on the subject, RA if so advised, is to be filed within a period of 30 days from the date of receipt of a copy of the order/judgement. The present RA has been filed on 22.3.2000. Though the review applicants have filed MA for condonation of delay in filing the RA, the reasons adduced thereof are not convincing enough to condone the delay and because of this fact the said MA is liable to be rejected.

3. I have carefully gone through the averments made in the RA. The main grounds taken by the review applicant are that the original applicant did not pass the test for keeping his name in the panel to be absorbed against regular vacancy, that the SEFO has no competency to screen a casual labour, as only the General Manager has the power to give regular appointment to any casual labour, that the original applicant never worked continuously for 180 days and that he was not engaged by the competent authority.

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4. Review applicant has also taken the plea that the Tribunal has not gone through the relevant rules, which were summoned by the Tribunal but could not be produced before pronouncement of the judgement. The instructions regarding engagement/temporary status of casual labour and copies of judgements given by the Principal Bench and this Bench of the Tribunal.

5. As already mentioned in my judgement dated 11.1.2000 the applicant had worked for more than 880 days during 1984-1986 as is evident from the certificate issued by the respondents themselves. Again since the respondents have themselves admitted that the name of original applicant has been kept in priority register of casual labour and since no vacancy of casual labour arose, he could not be absorbed as casual labour. The original applicant was working only as Group D employee that too for a long period of 880 days and therefore non-passing the test by him should not be valid ground for not absorbing him. Also they should have taken the approval of the competent authority when they found that the original applicant was not engaged by a ~~competent~~ authority instead of allowing him to work for 880 days. Therefore furnishing of instructions regarding engagement of casual labour at this stage would ^{serve} ~~serve~~ no purpose. Again the judgements relied upon by the review applicant relate to including the names of casual labour in the Live Casual Labour Register and therefore they are distinguishable from the present OA. I therefore do not find any merit in the present RA which is liable to be dismissed.

6. Besides, I also find that the present RA does not come within the four corners of Order 47, Rule 1 CPC that would warrant review of my order dated 11.1.2000.

7. For the detailed discussions above, the present RA is dismissed.


(M.P. Singh)
Member (A)

/gtv/