

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

NO
Review
IN
Removal

9

~~O.A.No.~~
~~xx LA Nox~~

R.A.ST.NO. 247 of 1991

in

O.A.NO. 111 of 1988.

DATE OF DECISION 04.02.1993.

Shri Joshi Dineshkumar Kacharlal, Petitioner

Shri V.S.Mehta Advocate for the Petitioner(s)

Versus

Union of India and ors. Respondent

Shri Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V.Krishnan : Vice Chairman

The Hon'ble Mr. R.C.Bhatt : Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✓

Shri Joshi Dineshkumar Kacharalal,
Village Unchidhanal,
Taluka-Khedbrahma,
District : Sabarkantha.

3

...Applicant.

(Advocate : Shri V.S.Mehta)

Versus

1. Union of India
through Superintendent of
Post Offices,
Sabarkantha,
Himatnagar.
2. Sub-Divisional Inspector of
Post Offices,
Sabarkantha Division,
Idar.
3. Mistry Rameshkumar Narayandas,
Village Unchidhanal,
Taluka - Khedbrahma,
Dist. Sabarkantha.

...Respondents.

ORAL JUDGMENT

R.A. ST.NO. 247 of 1991

in

O.A. 111 of 1988.

Dated : 04.02.1993.

Per : Hon'ble Mr.N.V.Krishnan : Vice Chairman

Shri V.S.Mehta, for the applicant present.

2. The applicant seeks a review of the original order dated 18.4.1991, in O.A./111/88, passed by a Bench consisting of the then Hon'ble Shri M.M.Singh, Administrative Member, who has now ceased to be a Member of the Tribunal and Hon'ble Shri S.Santhanakrishnan, the then Judicial Member who is now a Member of another Bench of the Tribunal. In these circumstances, this review has been placed before us for preliminary hearing in accordance with the statutory standing instructions of the Hon'ble Chairman.

10

3. We have heard the learned counsel for the applicant. He points out to two grounds which makes the review necessary.

4. It is stated that, firstly, the Tribunal has observed in para-4 of the judgment that an offer of appointment dated 19.6.1987, was made to the applicant,, which makes it liable to be terminated on the hapening of one of the events mentioned therein. The learned counsel submitted that as a matter of fact such an order has not been served on him at all.

5. We have perused the original records. We notice that the respondents had filed a reply on 15.6.1988. They were given an opportunity, by the order dated 18.8.1988, to produce the order of stop gap arrangement referred to in para-3 of the reply. The order referred to in para 4 of the judgment has been produced and exhibited at page-29 of the paper book. The applicant, thus became aware of the order where this was filed. Yet, he did not file any rejoinder, contending that as a matter of fact, this order had not been served on him at all and that the respondents should be directed to prove their averments by production of the original records. As no such rejoinder was filed, the original records were not called for and the Tribunal made the observation that the applicant apparently signed the duplicate copy of this order.

U

6. In these circumstance, we do not think that there is any error apparent on the face of the record on this ground.

7. The second ~~x~~error pointed out is that in para-7 of the judgment the Tribunal has held that there was no material before the Bench to hold that the applicant was entitled to protection under the Industrial Disputes Act. We have gone through the records of the O.A. and we do not find any material therein which would contradict the observations made in para-7 of the judgment. No evidence has been produced in this regard. Hence this ground has also no substance.

8. Therefore, the applicant has not made out any case. The review application is therefore, dismissed.



(R.C.Bhatt)
Member (J)



(N.V.Krishnan)
Vice Chairman

AIT/AS