

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 390/89

~~Ex-Axx No.~~

DATE OF DECISION 29/9/1993

Shri Bhimabhai Mafatlal Makwana Petitioner

Shri M.A. Kadri Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri Akil Kureishi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B. Patel : Vice Chairman

The Hon'ble Mr. V. Radhakrishnan : Member (A)

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 ?

No.

(10)

Shri Bhimabhai Mafatlal Makwana,
Rainwada, Amlifliya,
Dhilka-387 810.

: Applicant

(Advocate: Mr. M.A. Kadri)

Versus

1. Union of India
Through:
The Secretary, Ministry
of Communication, Sansad Bhavan,
New Delhi.
2. General Manager,
Telephones,
Gujarat Circle, Ahmedabad-380020.
3. Sub Divisional Officer,
Telephone Dholka-387810.

: Respondents

(Advocate: Mr. Akil Kureshi)

ORAL JUDGMENT
O.A./390/89

Date: 29/9/1993

Per: Hon'ble Mr. N.B. Patel

: Vice Chairman

The applicant has approached this Tribunal seeking a prayer that the termination of his employment by the respondents is illegal and void and for a further direction to reinstate him in employment as a casual labourer with all consequential benefits.

2. There is no dispute about the fact that the applicant was engaged as a casual labourer under the Respondent No.3, i.e. Sub-Divisional Officer (Telephones), Dholka, with effect from 6.9.1982 and he worked as such till about the middle of March, 1986. The applicant's case is that his employment was terminated on 15.3.1986 while retaining his juniors and without giving him any notice or notice-pay in lieu of notice and also without paying him any retrenchment compensation as envisaged by Section 25(F) of the Industrial Disputes Act and, therefore, such termination was void ab initio and he should be declared to continue in service without

: 3 :

any break. The reply filed by the respondents is to the ~~fact~~ ^{effect} that the applicant had himself stopped reporting for duty from 15.3.1986 or ~~from about~~ ^{thereabout} and, therefore, on 19.3.1986 a telegram was sent to the applicant requiring him to join duty immediately and, in reply to that telegram, the applicant had sent a letter dated 24.3.1986 stating that he was ill and was, therefore, unable to report for work till his recovery. According to the respondents, they also sent a registered letter dated 24.3.1986 calling upon the applicant to resume work, but the applicant had ~~himself~~ abandoned the job. The respondents, therefore, contend that there was no question of retrenchment or termination of the employment of the applicant and, therefore, the application is liable to be dismissed.

3. As regards the controversy whether there was termination of the employment of the applicant somewhere in the middle of March, 1986, or whether he had actually abandoned the job from about the middle of March, 1986, it is material to note that the applicant filed Civil Suit No.431/86 in the Court at Narol on 12.5.1986, that is, soon after March, 1986 contending that his service ~~was~~ ^{is} illegally terminated and asking for appropriate relief, of reinstatement etc. This suit was transferred by the Civil Court to this Tribunal and it was numbered as TA/27/88 and, ultimately, it was disposed of by the judgment dated 12-9-1988 whereby the Tribunal held that it cannot take cognizance of the case,

: 4 :

because the suit was filed on 12.5.1986, that is, after the coming into force of the Administrative Tribunals Act on 1.11.1985 and, consequently, the order passed by the Civil Court transferring the suit to this Tribunal was not in accordance with law. While disposing of the transfer application No. 27/88, however, the Tribunal observed that the applicant will be at liberty to file a fresh application under Section 19 of the Administrative Tribunals Act, 1985 and, accordingly, the applicant has filed the present application on 11.9.1989. The judgment of the Tribunal disposing of the T.A. was delivered on 12.9.1988. The material fact to be noted is that soon after March, 1986 the applicant had started agitating the matter on the ground that, though he was willing to work and had reported for work, his employment was illegally terminated. The applicant is a poor person and we are inclined to think that it would be highly improbable that he would abandon his job as a casual labourer, even though he was physically able to perform his duties. On an overall consideration of all the circumstances of this case, we, therefore, hold that the authorities had terminated the employment of the applicant when he reported for duty after recovery from his illness. We hold that this is not a case of abandonment of job by the applicant, but a clear case of termination of his employment. Then, there is no doubt that the termination is clearly in contravention of the provision of Section 25(F) of the Industrial Disputes Act inasmuch as it is an admitted position that the applicant had worked for 240 days in the year immediately preceding the date of his termination and no notice or notice-pay in lieu of notice was given to him nor was any retrenchment compensation paid to him. We must strike down the termination

order as void and of no effect with the result that the applicant will have ~~been~~ ordered to be reinstated in service without any break. ~~However~~ ^{Twenty} the question as to what order should be made regarding the backwages payable to the applicant. Mr. M. A. Kadri, under instructions from the applicant, who is personally present in the Court Room, ~~has~~ stated that the applicant voluntarily forgoes his claim for backwages till reinstatement, if reinstatement is effected within a period of 10 days from today.

4. In the result, therefore, the application is allowed and the oral order of termination of the employment of the applicant is quashed and set aside as being null and void, and the respondents are directed to reinstate the applicant as casual labourer, within a period of 10 days from today, with continuity of service and all other consequential benefits (including regularisation if and when due to him) except backwages till the expiry of the period of 10 days from today or till his actual reinstatement, whichever is earlier.

VRK
(V. Radhakrishnan)
Member (A)

NP
(N. B. Patel)
Vice Chairman

a.a.b.

Date	Office Report	ORDER
13-3-95		<p>Notice returnable on 17-4-1995.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>vtc.</p> <p><i>As the learned Member of the Bench is not available, the matter is adjourned to 26-4-95.</i></p> <p>(N.B. Patel) Vice Chairman</p>
17/4/95		
26-4-95		<p>Adjourned to 6.6.1995 at the request of Mr. Kureshi, who states that the applicant is already reinstated and the process of regularising him is under way.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>vtc.</p>
6-6-95		<p>Adjourned to 19-6-95, at the request of Mr. Kureshi.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>ss</p> <p>(N.B. Patel) Vice Chairman</p>

Date	Office Report	ORDER
19-6-95		<p>Mr.Kureshi states that steps are being taken to implement the judgment. At the joint request of Mr.Kadri and Mr.Kureshi, adjourned to 17-7-95.</p> <p><i>DR</i></p> <p>(K.Ramamoorthy) Member (A)</p>
		<p><i>NP</i></p> <p>(N.B.Patel) Vice Chairman</p>
17.7.1995		<p>ss</p> <p>Mr.Akil Kureshi states that the process of complying with the judgment is already started, but, it will take some more time to come to an end. With the consent of Mr.M.A.Kadri, adjourned to 7.8.1995.</p> <p><i>DR</i></p> <p>(K.Ramamoorthy) Member(A)</p>
		<p><i>NP</i></p> <p>(N.B.Patel) Vice Chairman</p>
7-8-95		<p>ait.</p> <p>sick note filed by Mr.Kadri.</p> <p>Mr.Kureshi states that implementation of the judgment is under-way. Adjourned to 11-9-95.</p> <p><i>DR</i></p> <p>(V.Radhakrishnan) Member (A)</p>
		<p><i>NP</i></p> <p>(N.B.Patel) Vice Chairman</p>
		<p>ssh</p>

Date	Office Report	ORDER
11.9.95		<p>Leave note filed by Mr. Kadri.</p> <p>Adjourned to 9th October, 1995.</p> <p><i>VR</i></p> <p>(V.Radhakrishnan) Member (A)</p> <p>vtc.</p>
9.10.95		<p>Adjourned to 6.11.95, as the other Hon'ble Member of the Bench is not available.</p> <p><i>NP</i></p> <p>(N.B.Patel) Vice Chairman</p> <p>ss</p>
6.11.95		<p>Adjourned to 20.11.1995 as the compliance is likely to be over by then.</p> <p><i>VR</i></p> <p>(V.Radhakrishnan) Member (A)</p> <p><i>NP</i></p> <p>(N.B. Patel) Vice Chairman</p> <p>vtc.</p>
20-11-95		<p>Adjourned to 4-12-95, at the request of Mr. Shevde for Mr. Kadri. Leave note filed by Mr. Kureshi.</p> <p><i>VR</i></p> <p>(V.Radhakrishnan) Member (A)</p> <p><i>NP</i></p> <p>(N.B.Patel) Vice Chairman</p> <p>ss</p>

Date	Office Report	ORDER
4.12.95		<p>Mr. Kadri is not present. Adjourned to 12.12.1995.</p> <p><i>Ab</i></p> <p>(V.Radhakrishnan) Member (A)</p> <p>vtc.</p>
12-12-95		<p>The applicant and Mr.Kadri are not present Adjourned to 3-1-96. The Respondents may file the details and specific reply as to the averments xxx xxx that bonus and some other payments are not made to the applicant.</p> <p><i>Ab</i></p> <p>(V.Radhakrishnan) Member (A)</p> <p><i>NP</i></p> <p>(N.B.Patel) Vice Chairman</p> <p>ss</p>
3-1-96		<p>Adjourned to 17-1-96, at the request of Mr.Kureshi for filing reply to the M.A.</p> <p><i>Ab</i></p> <p>(V.Radhakrishnan) Member (A)</p>
17-1-96		<p>Adjourned to 31-1-96, at the request of Mr.Kureshi.</p> <p><i>Ab</i></p> <p>(V.Radhakrishnan) Member (A)</p> <p>AS*</p>

Date	Office Report	ORDER
31-1-1996		<p>At the joint request of the learned counsel for the parties the matter is adjourned to 19-2-1996.</p> <p><i>VR</i></p> <p>(V.Radhakrishnan) Member (A)</p>
19-2-96		<p>*AS.</p> <p>None present for the parties. Adjourned to 6.3.96.</p> <p><i>VR</i></p> <p>(V.Radhakrishnan) Member (A)</p>
6-3-1996		<p>*AS.</p> <p><u>M.A. 814/95</u></p> <p>Mr. Kadri does not press the M.A. as Mr. Kureshi states that the matter will be examined in proper perspective. M.A. stands disposed of.</p> <p><u>C.A. 22/95 in O.A. 300/89</u></p> <p>Adjourned to 13-3-1996.</p> <p><i>VR</i></p> <p>(V. Radhakrishnan) Member (A)</p> <p><i>NP</i></p> <p>(N.B. Patel) Vice Chairman.</p>
		<p>*AS.</p>

Date	Office Report	ORDER
13-3-96		<p>Mr.Kureshi states that if any part of the judgment still remains to be complied with, apart from the according of temporary status to the applicant which is already given, the same will be complied with within a period of 4 weeks. Adjourned to 10-4-1996 with the consent of Mr.Kadri.</p> <p><i>[Signature]</i></p> <p>(V.Radhakrishnan) Member (A)</p>
10-4-96		<p>Leave note filed by Mr.Kadri. Mr.Kureshi states that the only question which now remains for <u>the consideration, if at all</u>, is about the date from which regularisation is to be given to the applicant and that question depends upon the police report. He further states that police report is still not received and steps will be taken to obtain police report at the earliest.</p> <p>Adjourned to 8-5-1996, at his request.</p> <p><i>[Signature]</i></p> <p>(V.Radhakrishnan) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p> <p>*ssh</p>

Date	Office Report	ORDER
8.5.96.		<p>Being busy in dictating the Judgments, adjourned to 13.6.96.</p> <p><i>MR</i> (V.Radhakrishnan) Member(A)</p>
		<p><i>NP</i> (N.B.Patel) Vice Chairman</p>
13.6.96		<p>a it.</p> <p>Adjourned to 19.6.1996 at the request of Mr. Kadri.</p> <p><i>MR</i> (V.Radhakrishnan) Member(A)</p>
		<p>vtc.</p>
19.6.96		<p>None present for the parties. Adjourned to 28.6.1996.</p> <p><i>MR</i> (V.Radhakrishnan) Member(A)</p>
		<p>vtc.</p>
28.6.96		<p>None present for the parties. Adjourned to 12.7.1996.</p> <p><i>MR</i> (K.Ramamoorthy) Member(A)</p>
		<p><i>APR</i> (A.P.Ravani) Chairman</p>
		<p>vtc.</p>

Date	Office Report	ORDER
12-7-96		<p>Mr. Kadri is not present. Adjourned to 17-7-96.</p> <p>17-7-96</p> <p><i>VR</i></p> <p>(V. Radhakrishnan)</p> <p>Member (A)</p>
17.7.96		<p>Mr. Kadri is not present. Leave note filed by Mr. K. Kureshi Kureshi. Adjourned to 31.7.96.</p> <p><i>VR</i></p> <p>(V. Radhakrishnan)</p> <p>Member (A)</p>
31.7.96		<p>Mr. Kadri is not present. At the request of Mr. Kureshi, adjourned to 2.9.1996.</p> <p><i>VR</i></p> <p>(V. Radhakrishnan)</p> <p>Member (A)</p>
2.9.96		<p>Mr. Kadri is not present. Adjourned to 23.9.96.</p> <p><i>VR</i></p> <p>(K. Ramamoorthy)</p> <p>Member (A)</p>
		<p>ssh*</p>

Office Report

ORDER

18

Date

23-9-96

Mr.Kadri is not present. Adjourned to

30-9-96.

(V.Radhakrishnan)

Member (A)

ssh*

30.9.96

Adjourned to 14.10.1996 at the request
of Mr. Kureshi.(V.Radhakrishnan)
Member (A)

vtc.

14.10.96

Mr.Kadri is not present. Adjourned to
23.10.96, at the request of Mr.Kureshi.

(V.Radhakrishnan)

Member (A)

ssh*

23.10.96

Mr.M.A.Kadri, the learned counsel for the
applicant is not present. Mr.Akil Kureshi
counsel for the respondents is present.

List on 8th November, 1996.

(K.Ramamoorthy)
Member (A)(A.V.Haridasan)
Vice Chairman

npm

Date	Office Report	ORDER
8-11-96	Mr. Kadri is not present. Leave note filed by Mr. Kureshi. Adjourned to 28-11-96. (V.Radhakrishnan) Member (A)	<i>JK</i>
28-11-96	Mr. Kadri is not present. Adjourned to 5-12-1996. (V.Radhakrishnan) Member (A)	<i>JK</i>
5.12.96	Adjourned to 19.12.96 at the request of Mr. Kureshi. (V.Radhakrishnan) Member (A)	<i>JK</i>
19.12.96	Adjourned to 7.1.97 at the request of Mr. Akil Kureshi. (V.Radhakrishnan) Member (A)	<i>JK</i>

22.1.97

Mr. Kureshi makes available the order dated 21.1.1997 which proves the appointment of the applicant as a regular Mazdoor. A copy of the same is taken on record. Mr. Kureshi submits that he will file a proper affidavit from a responsible office and prays for a short adjournment. Adjourned to 18.2.97.

h.s.b.
(T.N. Bhat)
Member (J)

VR
(V.Ramakrishnan)
Vice Chairman

vtc.

18.2.97

Mr. Kureshi files an affidavit sworn by the S.D.O.T.

We notice that even though in the contempt petition the respondents are shown by designation and the names have not been given. The learned counsel for the applicant states that he will give the names of the alleged contemner. He shall carry out the necessary amendment within one week from today. After the necessary amendment is made, the alleged contemners in their individual capacity shall file their required affidavit.

Amendment
Carried out
today
h.s.b.
21.2.97

In view of the above affidavit filed by ~~xxx~~ S.D.O.T. returned to Mr. Kureshi.

Adjourned to 21.3.1997.

h.s.b.
(T.N. Bhat)
Member (J)

VR
(V.Ramakrishnan)
Vice Chairman

vtc.

Date of report

ORDER

(19)

7-1

Heard Mr. Kadri for the complainant. Mr. Kureshi for the alleged contemner is not present. I find that this matter has been adjourned a number of times, even though the contempt petition was filed as early as in January 1995. It would seem that the alleged contemners are not taking the matter seriously. If there is no improvement ^{in the} ~~in~~ question, on the next date of hearing, the Tribunal would take a serious view. For the present, I award a cost of Rs.100/- to the complainant which should be paid by the respondents within one week.

A copy of this order may be given to both the parties.

Call on 22-1-1997.

V.Ramakrishnan
(V.RAMAKRISHNAN)

Vice Chairman

ssh*

Date	Office Report	ORDER
21.3.97		<p>Time is prayed on behalf of Mr. Kureshi. Adjourned to 15.4.97.</p> <p style="text-align: right;">(V. Radhakrishnan) Vice Chairman</p>
15.4.97		<p>Seen leave note filed by Mr. Kureshi. Adjourned to 7.5.97.</p> <p style="text-align: right;">(V. Ramakrishnan) Vice Chairman</p>
7.5.97		<p>Seen leave note filed by Mr. Kureshi. Mr. Kadri is present. Adjourned to 26.6.97.</p> <p style="text-align: right;">(T.N. Bhat) Member (J)</p>
26.6.97		<p>Mr. Kadri files rejoinder and states that he has given a copy to Mr. Kureshi. Adjourned to 7.8.1997.</p> <p style="text-align: right;">(V. Ramakrishnan) Vice Chairman</p>
		<p>vtc.</p>
		<p>vtc.</p>

Date	Office Report	ORDER
7.8.97.	<p>Mr. Akil Knreshi has applied for a short adjournment to file affidavit by the respondents, Adjourned to 04.9.1997.</p> <p>Mr. M. A. Kadri for the applicant is present.</p> <p>Mr. T. N. Bhat Member (J)</p>	<p>At the request of Mr. Akil Knreshi who prays for a short adjournment to file affidavit by the respondents, Adjourned to 04.9.1997.</p> <p>Mr. M. A. Kadri for the applicant is present.</p> <p>(T. N. Bhat) Member (J)</p> <p>(V. Ramakrishnan) Vice Chairman</p>

30.9.97

4.9.97

pmr

Vice Chairman
(V. Ramakrishnan)

Member (J)
(T.N. Bhat)

10

Adjourned to 14.10.97.

survive as the direction of the Tribunal have been
supplied with. Mr. Kureshi prays for some time.

Mr. Kureshi says that G.A. does not
accordingly.

taken on record. M.A./748/97 is disposed of
documents listed in the M.A. are allowed to be

the M.A. be taken on record. ~~Maxima~~ The
Mr. Kardri submits that the documents listed in

Heard Mr. Kardri on M.A./748/97.
ss*

Vice Chairman
(V. Ramakrishnan)

Member (J)

(T.N. Bhat)

10

Adjourned to 30.9.97.

Will be heard along with the main C.A.

As regards the other M.A. 248/97, this

disposed of.

18.2.97. M.A. should be taken as having been

been allowed impudently by the order dated

We find that M.A. 170/97 has already
rejoined.

In support of the statement made in the
Mr. Kardri files an affidavit of the applicant

Ahmedabad and serves a copy on Mr. Kardri.

rejoined sworn by one Shri Shahu, D.O.T.,

also files another affidavit in reply to the

an affidavit sworn by the concerned officer. He

Mr. Kureshi replaces the reply statement with

10

Office Report

ORDER

C.A. 22/95 in O.A. 390/89

Date

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

(22)

C.A. 22/95 in
O.A.NO. 390/89
T.A.NO.

DATE OF DECISION 14.10.997

Bhimabhai Mafatlal Makwana Petitioner

Mr. M. A. Kadri Advocate for the Petitioner [s]
 Versus

Union of India & ors. Respondent

Mr. Akil Kureishi Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V. Ramakrishnan Vice Chairman

The Hon'ble Mr. T. N. Bhat Member (J)

JUDGMENT

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

(23)

Bhimabhai Mafatlal Makwana

residing at Rainwada,
Amliflia,
Dholka, 387810, District-Ahmedabad

Applicant

Advocate Mr. M.A. Kadri

versus

1. The Union of India, Through :
The Secretary,
Shri D.P. Dey, and his successor
Ministry of Communication,
Telephone Dept. Sansad Bhavan,
New Delhi.

2. The General Manager,
Shri Ashokumar and his
successor, Telephone
Ahmedabad Division, Ramnivas
Building, Khanpur,
Ahmedabad.

Respondents

Advocate Mr. Akil Kureishi

ORAL ORDER
IN

C.A. 22/95 in

O.A. 390/89

Date: 14.10.97

For Hon'ble Mr. V. Ramakrishnan Vice Chairman

We proceed to dispose of the C.A. on the
basis of the material before us and with the assistance
we have received from Mr. Kureishi.

2. The Tribunal while disposing of O.A. 390/89
on 29.9.1993 had set aside the oral order of termination
of the complainant in the O.A. and directed the

respondents to reinstate the complainant as casual labourer within a period of 10 days with continuity of service and all other consequential benefits including the regularisation if and when due to him except back-wages till the expiry of the period of $\times 10$ days from the date of judgment or till his actual reinstatement whichever is earlier. In the present C.A., which was filed in 1995, the complainant has ~~said~~ alleged that this order is not complied with. We find from the reply statement dated 8-4-1997, of Ashokkumar i.e. respondent no.2 as at Annexure R-2 particularly in para-5 thereof that the applicant was reinstated on 20.10.1993 instead of 9.10.1993 which was after 10 days from the date of issue of order but he had been paid wages of Rs.579/- for the period of 10 days for the delay in the reinstatement. He has also been granted continuity of service with temporary status w.e.f. 1.10.1989 and was regularised w.e.f. 1.4.1995. The reply goes on to say that the amount which was due to him on the basis of implementation of the Tribunal's order was calculated and paid to him besides the bonus and supply of canvass shoes etc. In the rejoinder, the applicant has not agreed that there has been total compliance as he contends that his ~~regularisation~~ ^{from 1-4-95} reinstatement should have been earlier ~~than 1.10.95~~ as his junior ~~has~~ been given such regularisation from an earlier date.

3. We find from the reply of the rejoinder that the applicant was regularised w.e.f. 1.4.1995 for the reason that he had completed 240 days or more w.e.f. 1986 - 97 and there was a requirement that he should have put in 10 years of service before he became eligible for regularisation. As regards the payment of back-wages etc. the respondents had clarified that no backwages were paid till 9.10.1993 in view of the orders of the Tribunal, but from the date of the reinstatement, he had been paid the minimum of the scale plus allowances as due to him which is reflected in the ~~xx~~ ~~xx~~ reply as at Annexure R-2. From the submission of Mr-Kureshi we find that the respondents have implemented the judgment of the Tribunal in the manner they have understood the same. If the applicant still has any grievance with regard to the date of regularisation in accordance with the relevant scheme, he may pursue his remedies in appropriate proceedings available to him under the law. So far as the present C.A. is concerned, the respondents have not wilfully disobeyed the order of the Tribunal and in the circumstances, the C.A. is dismissed and the alleged contemners are discharged.


(T.N.Bhat)
Member (J)


(V.Ramakrishnan)
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

R.A. No. 90 of 97 in C.A./22/95 in

O.A.NO. 390/89

~~T.A.NO.~~

DATE OF DECISION 16.1.98

Bhimabhai Mafatlal Makwana Petitioner

Mr. M.A. Kadri Advocate for the Petitioner [s]
Versus

Union of India & another Respondent

- Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V. Ramakrishnan, Vice Chairman

The Hon'ble Mr. T.N. Bhat, Member (J)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ? ✓
2. To be referred to the Reporter or not ? ✓
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4. Whether it needs to be circulated to other Benches of the Tribunal ? ✓

26

2. In the present R.A. the main ground for seeking review is that the Counsel for the Complainant was not heard before the orders were dictated, as on account of his ill-health he came late. However, this is not a good ground as even in the absence of the counsel for the complainant, the materials on record in the contempt petition as also in the reply affidavit were taken into consideration when the decision of the Tribunal was rendered. The present Review Application also gives the past history of the present litigation. The same is not relevant as eventually the respondents filed reply affidavit giving their version which was duly considered. We may also mention that the Tribunal had observed that if the applicant had still any grievance with regard to the date of regularisation in accordance with the relevant scheme as interpreted and understood by the respondents it is open to him to pursue his remedies in appropriate proceedings, namely, he can file a separate O.A.

3. We find that the Review Application does not disclose any valid ground nor is there any error apparent on the face of the record. The Review Application is accordingly dismissed by circulation.

No. 26/1


(T.N. Bhat)
Member (J)


(V. Ramakrishnan)
Vice Chairman