

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

R.A. No.42 of 1997

(OA No.1391/96)

Present: Hon'ble Dr. B.C. Sarma, Administrative Member
Hon'ble Mr. D. Purakayastha, Judicial Member

UNION OF INDIA & ORS.

VS

ANANDA KUMAR PRAMANICK & ANR.

(Counsel present at the time of final hearing of the original application) :

For the Applicants: Mr. M.S. Banerjee, counsel
Mr. S.K. Dutta, counsel

For the Respondents : Mrs. K. Banerjee, counsel

DISPOSED OF BY CIRCULATION

Date of order: 30.3.98

O R D E R

This review application has been directed against the order dated 12.5.97 passed in OA 1391/96. That application was filed by two applicants raising the grievance about the grant of temporary status and also regularisation of their services as Driver under the Respondents. The application was disposed of in the following terms:

- "(a) Temporary status shall be granted to both the applicants by the respondents after completion of 206 days of work from the date of appointment on continuous basis and such order shall be issued within a period of one month from the date of communication of this order.
- (b) Thereafter the case of regularisation of the services of the applicants shall be taken up by the respondents with the appropriate authorities as per rules.
- (c) All consequential benefits shall also be given to both the applicants after the said declaration of getting the temporary status has been made with effect from 1.9.93, as stipulated in the said Scheme.
- (d) No order is passed as regards costs."

2. The review application has now been filed on the ground
Contd...2/-



that the direction cannot be implemented since a scheme for regularisation of Casual Labour is about Group 'D' employees only and the applicants are Group 'C' employees being Drivers.

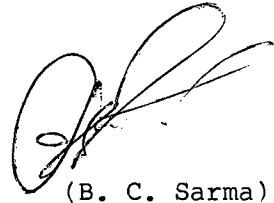
3. The scope of a review application is very limited. A review application can be allowed only if there is an error apparent on the face of the record or there has been any discovery of a new fact or information which could not be produced by either party earlier despite due diligence. The applicants have simply pointed out now that a direction given in the judgment cannot be implemented and, therefore, it calls for review. I am unable to accept the said contention of the applicants who are the Union of India and others. It appears from para 3 of the order dated 12.5.97 that the original respondents had opposed the original application by contending that the benefit of temporary status cannot be given as there is no sufficient ^{no} ^{of} post of Driver. It was also their further contention that the applicants were performing the duties of Driver as on regular manner and there was no need for Driver in the office of the Executive Engineer where the applicants are performing the duties and, therefore, their services were regularised. The present plea that the scheme is not applicable to the original applicants was not taken in the reply nor it was opposed when the learned counsel for the original applicants invited the attention to the scheme. It, therefore, appears to me that the applicants have filed this review application with the intention that the entire matter should be reheard, which is not permissible in a review application. In this connection the observation made by the Hon'ble Apex Court in the case of M/s Northern India Caterers (India) Ltd. v. Lt. Governor of Delhi, reported in AIR 1980 SC 674 is relevant and the said observation runs as follows:

"It is well settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that a judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so."

After going through the facts and circumstances of the case I hold that there is no circumstances of a special nature or compelling character that warrants a review. In other words, there is no ground

for review either and the application is liable to be dismissed.

4. For the reasons given above I do not find any merit in the application. Accordingly, it is ordered that the application be dismissed without awarding any costs.

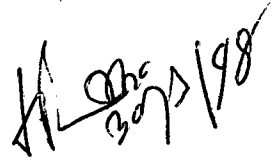


(B. C. Sarma)

MEMBER (A)

30/3/98

I agree.



(D. Purkayastha)

MEMBER (J)