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CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,

LUCKNOW

Pradeep Kumar Misra Applicant

Vs.

Union of India & others. Respondents.

Hon'ble Mr. Justice K. Nath, VC,

Hon'ble Mr. M.M. Singh, AM.

O R D E R

Review application No. 27/91(L)

in

O.A.No. 254/1990.

Per: Hon'ble Mr. M.M.Singh, Administrative Member.

This review application seeks review of our judgment dated 12.9.1990 in O.A.No. 254/90 on the grounds mentioned in the application.

2. The applicant has advanced ten grounds all of which either relate to or are based on facts advanced by the applicant.

3. In our above judgment we had primarily gone into legal status of substitute EEDA and had come to the conclusion that the characteristics of the substitute's post point to his being an agent of the EDA because of which, to quote from our judgment "No employer and employee relationship sets up between the Postal Department and the substitute EEDA. In this view of the matter, there does not arise the question of such a substitute being considered as a workman under the Industrial Disputes Act, 1947, who cannot be retrenched without

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complying with the provisions of Sections 25F and 25N of the Act. Also, when the applicant has no legal claim to the post of EDDA, he can obviously not challenge the action of the respondents to take steps to fill the post of EDDA.....".

4. The application contains no submissions against our conclusion which is based on analysis of the characteristics of the post of substitute EDDA. The factual grounds advanced for prayer to review our above judgment are therefore different and also irrelevant to the grounds on which the original application had failed. When such are the contents of the review application, we do not even consider necessary to direct that notice be issued to the respondents. We dispose it off by circulation. The application is dismissed.

M. M. Singh
(M.M. Singh)
Admn. Member

12/1/81

Kamleshwar Nath
Vice Chairman