

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH PATNA

Order Sheet

..... Application No. 199 in.....
Applicant (s) ..Uttam Sagar Rana Respondent (s) Union of India & others
Advocate for Applicant (s) Advocate for Respondent (s)

Note of Registry

Orders of the Tribunal

1/24.9.98 Shri S.K.Bariar, Counsel for the applicant present. The case has no defects. Let the case be placed before the Hon'ble V.C. in chambers under circulation rule.

AKJ

(A.K.Verma)
Registrar

2/24.9.98

The R.A has been placed before me in chamber. The same be heard. As I am retiring on 26.9.98, The R.A. be listed before Mr. L.R.K.Prasad, Member (A) for hearing on 12.10.1998. Notice be accordingly issued to the learned counsel for the respondents.

MA

(V.N.MEHROTRA)
VICE-CHAIRMAN

May be placed before
for preliminary hearing of
RA see a date
convenient to him

[Signature]
26/11

MOS (J)

[Handwritten note]
V.M.K. Sah
S.S.C

3/31.12.98

Heard Shri S.K.Bariar, Counsel for
the applicant, and
Shri R.C. Narain, Jr. counsel to the
Senior Standing Counsel for the Respondents.

Orders reserved.

(Lakshman Jha)
Member (J)

SKS

4/13.3.99

This Review Application was admitted for hearing on 24.9.98 by the then Vice-Chairman, Shri V.N. Mehrotra, with direction for placing for hearing before Shri L.R.K. Prasad, Hon'ble Member (Administrative) as he was retiring on 26.9.98. Hon'ble Sri Prasad, Hon'ble Member (A) has endorsed this R.A. for preliminary hearing before me.

2. Heard Shri S.K.Bariar, the counsel for the applicant and Shri R. Narayan, Jr. Counsel to the Sr. Standing Counsel for the Respondents.

3. The applicant has prayed for the review of the last three sentences of Para-5 of order dated 2.9.98 in OA-55/96, according to which, the last three sentences of para-5 of the order to the effect "1991 and also in year 1997" be deleted and in their place "1987 to 1998" be incorporated.

4. The relevant portion of the order sought to be reviewed may be extracted as under:-

"Similarly, the applicant has also filed documents, Annexures-16,17 & 18 with the Rejoinder to indicate that he was being engaged for various periods on different days in the year 1991 and also in the year 1997. So it is not correct to say that the applicant was not engaged after July, 1989 on casual basis."

The learned counsel for the applicant referred to Annexures-16,17,18 & 19 of the Rejoinder to the W.S. and also Annexure-R-6 series and contended that the applicant worked during the period from 1987 to 1998, and, accordingly, necessary correction be made by incorporating "1987 to 1998" in place of "1991 and also in year 1997" in para 5 of the order referred to above.

5. The learned Sr. Standing counsel also referred to para-5 of the judgment of the aforesaid Annexure-A/1 as relied upon by the learned counsel for the applicant and contended that the applicant has not been engaged continuously during the period from 1987 to 1998, as is sought to be reviewed. He contended that the applicant worked for various periods during the years 1987 to 1998, and, therefore, there is no need of deleting the aforesaid sentences in para-5 of the order. He further contended that in view of the conflict between the stand taken by the parties regarding the actual number of days, for which the applicant had worked as casual clerk-cum-typist, the appropriate authority was directed for considering the entire matter for regularisation of the applicant on his filing representation with necessary documents for regularisation of his appointment as Clerk-cum-Typist by the operating portion of the order. The applicant was required to file representation along with necessary documents within one week of the order to the Respondents and the Respondents were required to pass appropriate orders in the matter within a period of four months from the date on which the representation was received by him.

6. It appears from para-5 of the order dated 2.9.98, passed in OA No.55/96, as at Annexure-1 to the Review petition, read with Annexure-R-6 series to the W.S. and Annexures 13,16,17, 18 and 19 to the Rejoinder that the applicant had been working as a casual clerk-cum-typist since October, 1987, and worked for various periods during the years 1988-89, 1991, 1993, 1997 and 1998. It is clear that the applicant had worked for various broken periods during the aforesaid period as Casual Clerk-cum-Typist and he had not

worked continuously from years 1987 to 1998 as is sought to be incorporated. The Respondents - Department had not admitted that the applicant had worked for more than 240 in the years 1988 and 1989, and also, that he has been initially engaged in the year 1987. Considering this conflicting stand, the learned V.C. directed the applicant, who was seeking regularisation of his services as Clerk-cum-Typist from the date of initial appointment, to file representation along with necessary documents to the concerned Respondents i.e. the Director General, All India Radio, who was required to pass appropriate orders in the matter.

7. In view of the aforesaid discussions, it is clear that the applicant had been working as a casual clerk-cum-typist since October, 1987, and worked for various days till the year 1998. A reading of the order dated 2.9.98 (Annexure-1) as a whole (with particular reference to para-5) also indicates that the applicant was initially engaged in the year 1987, and since then he was also engaged for various periods of different days of the years till 1998, as is obvious from the Annexures referred to above. Accordingly, there appears no scope for review of the order in the manner sought for.

The RA is, accordingly, dismissed. No costs.

Rhe
(Lakshman Jha)
Member (J)

SRS
12/8 M (A)
Placed
before me
today by SRS
10/10/2000

↓
I agree with
AM (J)
10/10/2000