

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHR.A.NO. 13 OF 2007

[Arising out of OA 110 of 2006]

.....
[Patna, this Friday, the 16th Day of March, 2007].
.....C O R A MHON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.
HON'BLE SHRI S.N.P.N.SINHA, MEMBER [ADMN.]
.....Kumar Birendra Prasad, S/o Shri Devi Prasad, resident of village -
Brahampur, P.O.: Phulwari Sharif, District - Patna.APPLICANT.
By Advocate :- Shri J.K.Karn.

Vs.

1. The Union of India, through the Secretary-cum-Chairman, Central Board of Direct Taxes, New Delhi.
2. The Under Secretary to the Govt. of India, Ministry of Finance, Department of Revenue, Central Board of Direct Taxes, New Delhi.
3. The Chief Commissioner of Income Tax, Patna.
4. The Additional Commissioner, Head Quarter, Income Tax, Patna.
5. The Director of Income Tax, Investigation, Central Revenue Building, Birchand Patel Path, Patna.RESPONDENTS.
By Advocate:- N o n e.

ORDER PASSED BY CIRCULATIONJustice P. K. Sinha, V.C.:- Perused.

2. This is an application for review of this Tribunal's order as recorded in OA 110 of 2006 in a batch of cases which were decided along with OA 521 of 2000 by order dated 11.10.2006.
3. First of all what strikes on reading of this application for review is that the applicant has just redrafted its grounds for the reliefs sought as in



the OA and has assailed the order of the respondents in that case on the same grounds as were placed in the OA which has been disposed of. No specific ground has been made out as to why this order should be reviewed.

However, from perusal of the reliefs sought in the OA 110 of 2006 it would be clear that the main prayer of the applicant was for regularization/absorption in a Group 'D' post as also for grant of temporary status to him. This sought quashing of an order of the authorities in which the twin prayers for grant of temporary status and regularization of service had been rejected. The applicant's services were earlier terminated and subsequently he was re-engaged, on which ^{the} applicant was treated to be a fresh entrant. Prayer was also for payment of back wages.

4. As already stated a batch of cases were heard and disposed of in which prayers were common, in particular sets of cases. A total of 34 OAs were disposed of.

When that many applications are disposed of by a common order it could hardly be claimed that this Tribunal should mention each and every averment in every application.

5. In so far as the prayer of regularization/absorption in a regular post was concerned, this Tribunal had based its order on a number of authorities including the decision of the Apex Court, in a Constitutional Bench, in the case of Secretary, State of Karnataka Vs. Umadevi; 2006 [2] PLJR 363 = 2006 [4] SCC 01. Extensively considering the law on the point as laid down under different decisions of the Apex Court, this Tribunal had held that prayer of such applicants, similarly situated with the applicant of this case, could not be

allowed.

6. In so far as grant of temporary status was concerned that was also discussed in detail, particularly in para 34, onwards, also taking note of an order of the Division Bench of this Tribunal in OA 192 of 2004 and two other OAs [Ajay Kumar Raut Vs. Union of India & Ors.] in which parameters were laid down for considering the case of an employee for grant of temporary status.

7. In this review application the applicant has relied on a circular dated 10.09.1993 in DOP&T's O.M. No. 51016/2/90-Estt [C]. That was fully considered in the case of Ajay Kumar Raut. However, in the order relating to OA 110 of 2006 [batch cases] certain modifications were made in the parameters laid down in the case of Ajay Kumar Raut [supra] and, accordingly, that matter was also disposed of.

8. This Tribunal in that order also held that if on completion of work or on the ground of no work being available, any casual labourer has been discharged from work, he cannot make a prayer and seek remedy for issuance of a direction to the respondents to re-employ him and keep him employed. That being so, it was inherent in that part of the order that no back wages could be allowed for the period the applicant was out of work.

9. Parameters for consideration of a review application by this Tribunal under the Administrative Tribunals Act have been laid down by the Supreme Court in the case of **Ajit Kumar Rath Vs. State of Orissa & Ors;** 2000 [2] SLJ 108 [SC]. In view of the aforesaid order of the Hon'ble Supreme Court limiting the powers of this Tribunal while considering an application for



review, and in the circumstances as discussed in this order, it would be clear that this application itself is not maintainable. Obviously, the applicant seeks permission to re-argue the case as already placed before the Tribunal.

10. In such circumstance, I do not find any merit in this application.

This application is dismissed.

11. Place before the Hon'ble Shri S.N.P.N.Sinha, Member [Admn.] for consideration in chamber.


[P.K.Sinha]/VC

skj.

