

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG.NO.6PRESCOT RD, 4th FLR,

MUMBAI - 400 001.

REVIEW PETITION NO.108/96 in

ORIGINAL APPLICATION NO: 869/96.

DATED THIS 19TH DAY OF MARCH, 1997.

CORAM : Hon'ble Shri B.S.Hegde, Member (J).

Hon'ble Shri P.P.Srivastava, Member (A).

Dr.(Mrs) Rajeshwari Singh

... (Original applicant-present respondent)

V/s.

Commandant, NDA Khadakwasla
and three others.

... (Original respondents
and present review
petitioners)

{ TRIBUNAL'S ORDER BY CIRCULARION }

The present review petitioner, original respondents have filed a review application seeking review of judgement dated 30/9/96.

2. The OA was disposed of with following directions after hearing both the parties.

"In the facts and circumstances we are left with no other alternative but to confirm the ex-parte Interim Order passed by the Tribunal on 6.9.96."

3. Initially, the applicant was appointed as Hindi Lecturer with effect from 22/12/95 for a period upto 31/5/96 and again she has been appointed with effect from 24/6/96 for a period of 11 months upto 31/5/97. The respondents have given advertisement stating that the post is temporary and that the Lecturers who will be appointed can continue till regular candidates are recruited or appointed. Despite the same, the respondents have terminated the services of the applicant from 13/8/96.

4. In their reply, the respondents did not touch upon the advertisement given by them and the second appointment order issued by respondents to the applicant for a period of 11 months.

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5. In the review petition, they are trying to make out a case that the order passed by Tribunal is not correct and the same is required to be reviewed on the grounds stating that

"Thereafter," the respondents have given an advertisement stating that the post is temporary in the Employment News on 29/3/96 in respect of appointment letter dated 24/6/96 issued to the applicant."

Therefore, the use of the word 'thereafter' is an error apparent on the face of the record. Whether the advertisement was given prior to the second appointment or after the expiry of the first appointment does not make a difference since the respondents themselves state that no regular candidate has been appointed pursuant to the advertisement, accordingly they have given the second term assignment to the applicant. Therefore, it cannot be said that there is an error apparent on the face of the record.

6. The second contention is that 'The post is temporary! It is nobody's case that the post is permanent. Even according to them, the appointment shall only continue till regular candidates are recruited or appointed. Therefore, whether the post is temporary or permanent does not make any difference.

7. It is also submitted that they have fully implemented the order dated 30/9/96 although they are aggrieved by the said order. In the absence of any cogent explanation forthcoming from the respondents, why they have given the second assignment despite the advertisement given for regular recruitment. No satisfactory answer is forthcoming from the respondents. It is a well settled principle that review application cannot be utilised for re-arguing the case on the same ground and in our view there is no error apparent on the face of the record and accordingly, we do not see any merit in the review and the review petition is dismissed by circulation.

abp. (P.P. SRIVASTAVA)
MEMBER(A)

(B. S. HEGDE)
MEMBER(J)