

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH BANGALORE

DATED THIS THE 26th FEBRUARY 1987

Present : Hon'ble Sri Ch. Ramakrishna Rao - Member (J)  
Hon'ble Sri L.H.A. Rego - Member (A)

APPLICATION No. 421/86

Yellappa H. Harapanahalli  
Lower Division Clerk  
Labour Enforcement Officer (Central)  
Hubli - Applicant

(Sri M. Narayanaswamy, Advocate)

and

1. The Under Secretary  
Government of India  
Ministry of Labour  
New Delhi
2. The Secretary  
Staff Selection Commission,  
Block No. 12, C.G.O. Complex  
Lodhi Road, New Delhi
3. The Regional Labour Commissioner (Central)  
6/9 Crescent Road, High Grounds  
Bangalore 1
4. The Labour Enforcement Officer  
Hubli - Respondents  
(Sri. M. Vasudeva Rao, Advocate)

This application came up for hearing  
before this Tribunal and Hon'ble Sri Ch. Ramakrishna  
Rao, Member (J) to-day made the following ~~order~~

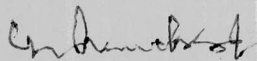
O R D E R

The grievance of the applicant in this  
application is that he has not been treated as a  
regularly recruited candidate but as an ad-hoc  
employee/appointee and such the action of the respondents  
in directing him to appear for the examination held

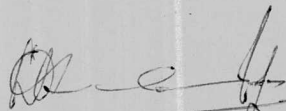
by the Staff Selection Commission ('SSC') in July 1985 is contrary to law.

2. The applicant was appointed as Lower Division Clerk ('LDC') in the office of the Labour Enforcement Officer (Central), Hubli - R4 in and by Office Order dated 25.5.82 ('OO') (Annexure D). ~~From~~ From the terms and conditions embodied in the OO it is manifest that the appointment itself was on ad-hoc basis and was terminable by giving notice mentioned therein. The terms and conditions are not ~~either~~ similar to <sup>with</sup> those embodied in the offer of appointment given to the applicants in application Nos. 1504 to 1506 and 1523 to 1528 decided on 26.2.1987. The ratio of the decision in those applications will not apply to the present case. The OO dated 5.2.1986 (Annexure J) terminating the services of the applicant does not, therefore, suffer from any infirmity.

3. In the result the application is dismissed.  
No order as to costs.



Member (J)



Member (An) 26.2.87.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 21 APR 1989

REVIEW APPLICATION NO (2) 15 /89  
IN APPLICATION NO. 421/86(F)  
W.P. NO (S)

Applicant (s)

Respondent (s)

Shri Yellappa Harappahalli V/s  
To

The Under Secretary, M/o Labour,  
New Delhi & 2 Ors

1. Shri Yellappa Harappahalli  
C/o Shri B.B. Naik  
334, K.H.B. Colony  
1st Stage, Vijayanagar North  
Bangalore - 560 079
2. Shri S. Narayana  
Advocate  
844 (Upstairs)  
17th 'G' Main, V Block  
Rajajinagar  
Bangalore - 560 010

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/STAY/INTERIM ORDER  
passed by this Tribunal in the above said application(s) on 19-6-89.

*R. S. Venkatesh*  
DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE NINETEENTH DAY OF APRIL, 1989

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY ... VICE-CHAIRMAN

HON'BLE SHRI L.H.A. REGO

... MEMBER (A)

REVIEW APPLICATION NO.15 OF 1989

Yellappa Harappahalli,  
Ex-Lower Division Clerk,  
Labour Enforcement Officer,  
Central Hubli.

... APPLICANT

(Shri S. Narayana..... Advocate)

Vs.

1. The Under Secretary to  
Government of India,  
Ministry of labour,  
New Delhi.
2. The Secretary Staff Selection  
Commission, Block No.12,  
C.G.O. Complex,  
Lodhi Road,  
New Delhi.
3. The Regional Labour Commissioner,  
Central, 6/9, Crescent Road,  
High Grounds,  
Bangalore-1.

... RESPONDENTS



This application has come up for  
hearing before this Tribunal to-day, Hon'ble  
Shri Justice K.S. Puttaswamy, Vice-Chairman,  
made the following :-

O R D E R

In this application made under Section  
22(3) of the Administrative Tribunals Act, 1985  
(Act), the applicant has sought for review of an

order made by a Division Bench consisting of one of us (Hon'ble Shri L.H.A.Rego) and Hon'ble Shri Ch. Ramakrishna Rao, dismissing his Application No.421/86, on 26.2.1987.

2. In making this application, there is a delay of 725 days. In I.A.No.I, the applicant has sought for condoning the said delay.

3. Shri S. Narayana, learned counsel for the applicant, passionately urges for condoning the delay in preferring the Review Application and to deal the same on merits.

4. In I.A.No.I, the only reason stated is that the applicant was waiting for a decision to be rendered by another Bench of this Tribunal which we will even assume as correct. But, that ground is hardly a ground to hold that the delay of 725 days constitutes a sufficient ground for condoning the delay. On this I.A. No.I is liable to be rejected. If I.A.No.I is liable to be rejected, then the main application for review is liable to be rejected without examining the merits.

5. But, out of deference to Shri Narayana, we have examined the merits also.

6. In seeking for review, the applicant has relied on a later decision rendered by the Jabalpur Bench of this Tribunal. We will even assume that the case decided by the Jabalpur Bench is in all fours to the case of the applicant. But that will constitute a patent error to justify a review of the order of this Bench. We therefore find no ground to review the earlier order.

7. In the light of our above discussion, we hold that the application is liable to be rejected. We therefore reject the same at the admission stage without notices to the respondents.



Sd/-

(VICE-CHAIRMAN) 19/4/89

Sd/-

(MEMBER)(A) 19.4.89

TRUE COPY

*B. V. Venkataswamy*  
DEPUTY REGISTRAR (JDL) 24/4/89  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE