

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE NINETEENTH DAY OF MARCH, 1987

Present : Hon'ble Shri Ch.Ramakrishna Rao Member(J)

Hon'ble Shri P.Srinivasan Member(A)

REVIEW - APPLICATION NO. 4/87

Smt.Usha Ramachandran,
LDC(since terminated),
O/o the Executive Engr.,
Southern Gauging Division,
Central Water Commission,
No.5, BP Wadia Road,
Bangalore - 4.

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APPLICANT

(Shri H.S.Jois

... Advocate)

Vs.

- 1.The Central Water Commission,
M/o Agriculture and Irrigation,
Govt. Of India, New Delhi - 1.
2. The Superintending Engineer,
Central Water Commission,
Investigation Circle No.II,
Faridabad,(HARYANA).
3. The Superintending Engineer,
Central Water Commission,
Hydrological OBS &FF(S) Circle,
Hyderabad-4.
4. The Executive Engineer,
Southern Gauging Division,
Central Water Commission,
BP Wadia Road, Bangalore-4.
5. Sri R.C.Acharjee, LDC,
Tipiamukh Investigation Circle,
Central Water Commission,
Shillong.
6. Sri.N.Jothilingam, LDC
Investigation Circle No.1,
Faridabad, (HARYANA).
7. Miss Usha Kumari Rudramma,LDC,
C/o The Supdt.Engineer,
Central Water Commission,
Hyderabad - 4.

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RESPONDENTS.

This application has come up before the court today.

Hon'ble Shri P.Srinivasan, Member(A) made the following :



O R D E R

In this review application, the applicant wants us to review our Order dated 20.11.1986 rendered in Application No. 828/86. In that order, we had rejected the applicant's prayer for (i) quashing an order terminating her services w.e.f 8.11.1981, and (ii) for directions to regularise her in the post of L.D.C. w.e.f. the date respondent No.6('R.6') had been regularised.

2. We were of the view that the services of the applicant having been terminated more than 5 years earlier, granting her request would upset the settled order of things, and in any case, she was only an adhoc appointee whose services could be terminated at any time. We had also noticed that R-6 had been regularised as early as in 1978, while the applicant had not been regularised till her services were terminated on 8.11.1981. The regularisation of R-6 as such was not ~~the~~^{or} challenged in the application. If we were to grant the applicant's request, the regularisation of R-6 would have to be cancelled, a result which we could not impose on R-6 at that stage. Neither the applicant nor the respondents could give any particulars about R-5. It was in these circumstances that we dismissed the application. However, while doing so, we had recorded an observation suggesting that learned counsel for the respondents could recommend to the authorities to consider giving a fresh appointment to the applicant in view of her earlier service.

3. Shri Ranganath Jois, learned counsel for the applicant, contends that the original application was initially filed as a Writ petition in the High Court of Karnataka in 1981 immediately after the applicant's services had been terminated, and so could not be considered to be late. According to him, R-6, should not have been regularised in August 1978, and the applicant being

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senior should have been regularised instead.

4. Shri N.Basavaraju, learned standing Counsel for the Central Govt. appearing for the respondents, contends that this review application should not be admitted.

5. We may reiterate here what we have been saying regularly earlier ⁱⁿ that review we do not sit in judgement over our own orders. We have earlier taken the view that the applicant's prayer could not be granted 5 years after the order terminating her services had been passed. We could not displace R-6 in favour of the applicant because he had been regularised rightly or wrongly in August 1978 itself and the applicant had not prayed for cancellation of the formers' regularisation. This being so, we do not propose reappraising the merits of the case and reconsider our view in this regard. We would, however, reiterate the observations made by us in the penultimate paragraph of our original order for consideration by the authorities. Shri Basavaraju, has taken note of this observation and has agreed ^{do} to the needful in the matter.

6. In the result, we decline to admit this review application.

C. S. Narasimhaiah
MEMBER(J) 19.3.87.

P. S. Narasimhaiah
19/3/87
MEMBER(A)

AN.