

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 30TH DAY OF JANUARY, 1989

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri L.H.A. Rego, Member (A)

REVIEW APPLICATION NO. 130/1988

1. The General Manager,  
Telecom,  
Bangalore.
2. The Divisional Engineer,  
Davanagere Division,  
Davanagere.
3. The Divisional Engineer,  
Telegraphs,  
Hassan Division,  
Hassan.
4. The Sub-Divisional Engineer,  
Telegraphs,  
Arsikere.

.... Applicants.

(Shri M. Vasudeva Rao, C.G.A.S.C.)

v.

Shri K.A. Nanjappa,  
S/o Shri Anandanappa,  
major, Casual Labour,  
O/o the Telegraph,  
Arsikere.


.... Respondent.

These applications having come up for hearing to-day,  
Vice-Chairman made the following:

ORDER

Applicants by Shri M. Vasudeva Rao, Central Government  
Additional Standing Counsel. Respondent who has been duly  
served is absent and is unrepresented.


2. This is an application made by the applicants who  
were the respondents in Application No.907/1988 for review  
of our order on the ground that there was a patent error in  
the same.



3. In Application No.907/1988, the respondent-applicant sought for a direction to regularise his services. A Division Bench of this Tribunal consisting of one of us i.e. Hon'ble Shri L.M.A. Rego (AM) and Shri Ch. Ramakrishna Rao, Hon'ble Member (J) disposed of the same on 7.10.1988 with the following directions:

"Nevertheless, we direct the respondents to ensure that the Seniority List of the casual mazdoors in the Department is finalised expeditiously, but not later than three months from the date of receipt of this order, with a view not only to help regularise ultimately the services of the applicant in the Department but also to regulate in the meanwhile, provision of work to him in the Department, on the principle of 'first come first serve', with due regard to his suitability and the parameters outlined in the scheme drawn up by the Department pursuant to the directives of the Supreme Court in the writ petition, referred to above."

4. Shri Rao contends that the direction to regularise the services of the applicant applying the principle 'first come first serve' and the drawing up of a Seniority List in adherence to the same with due regard to the nature and continuity of service rendered by the respondent and others, was totally ~~inapplicable~~ <sup>inapplicable</sup> and therefore the order of this Tribunal suffers from a patent error to justify a review under Section 22(3)(f) of the Act.



5. In its order, this Tribunal had directed the applicants-respondents to consider the case of the respondent-applicant in the light of a scheme drawn up by the Department in pursuance of a direction issued by the Supreme Court. All that is stated in the order of the Tribunal must be read in the context and collocation of that scheme drawn up by the Department and the directions by the Supreme Court and they cannot be read in isolation, as otherwise the result would not accord with what was intended by the order of this Tribunal in the original application. If the order of this Tribunal is so read, as it should be, then the apprehension of the applicants-respondents on the order of this Tribunal is unfounded and there is hardly any justification for review of our order. We reiterate that is the correct position.

6. With the above clarification we dismiss this review application as meritless. But in the circumstances of the cases, we direct the parties to bear their own costs.

*Ms. P. M. M. M.*  
VICE-CHAIRMAN 30/1/89

*Ms. P. M. M. M.*  
MEMBER (A) 30-1-1989

mr/Mrv.