

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

R.P.No. 147/92
in
OA.NO. 562/91

Shri Chandrika Prasad Jaishree Jaiswal ... Applicant
v/s.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice S.K.Dhaon
Hon'ble Member (A) Shri M.Y.Priolkar

Tribunal's Order On Review Petition
by Circulation.

Dated: 20-10-92

(PER: S.K.Dhaon, Vice Chairman)

This is an application seeking the review of the order dated 6.8.1992 passed by us in a Misc.Petition No. 649/92 in Original Application No. 562/91 which had stood finally disposed of on 27.3.1992.

2. In OA. 562/91 the case set up by the applicant (Chandrika Prasad Jaishree Jaiswal) was, in brief, this. He was working as a Casual Labourer. He was absorbed as a regular employee and was appointed as 'Gateman'. While on duty he met with an accident. He suffered a mental ailment. He went home for treatment. After recovery from mental sickness, he returned to Bombay and requested the respondents to allow him to join duties but in vain. He preferred representations on 12.9.1990 praying that he may be permitted to resume duties followed by several reminders. The latest being the one sent on 2.4.1991. He made the prayer that this Tribunal may direct the respondents to permit him to resume duties.

3. In the reply filed on behalf of the respondents the case set up, inter alia, was this. The applicant was appointed on probation. Some-time in May-June 1981 his services were terminated during the period of probation. The case being more than 10 years old, the office records of the letters issued to the applicant calling upon him to attend duty and also sending the notice-cum-termination order are missing and are not traceable.

4. This Tribunal in its order dated 27.3.1992 took the view that the grievance of the applicant that he had not been served with a copy of any order of termination could not be investigated as the respondents were unable to produce the record or evidence in support of the case set up by them that the order of termination had been despatched to the applicant. It, therefore, felt that the respondents should proceed afresh against the applicant either for termination of his services in accordance with law or to offer him reappointment to the post held by him. This Tribunal further directed that in case a fresh termination order is issued to the applicant and if the applicant is aggrieved by the said order, he will be at liberty to approach the Tribunal again. The Tribunal made it clear that the direction given by it should be implemented latest within three months from the date of receipt of this order.

5. M.P.No. 649/92 was filed on behalf of the respondents, namely, the Union of India & Ors. with a prayer that the time for the implementation of the direction of this Tribunal dated 27.3.1992 may be extended till 31.12.1992. On 6.8.1992 we disposed of the said M.P.No. 649/92. We took the view that it was not possible to grant any further time unless the respondents gave an undertaking that the applicant would be paid his future emoluments till the finalisation of the disciplinary proceedings which, as mentioned in the said M.P., were intended to be reinitiated. This Tribunal also took the view that the respondents shall either comply with the directions of this Tribunal given earlier or if they wish to complete the enquiry by 31-12-1992 they shall pay to the applicant the past emoluments etc. from 12.9.1990 and shall continue to pay to him the future emoluments till the completion of the enquiry. In the review application also one of the prayers still is that the respondents may be granted time till 31.12.1992 for implementation of this Tribunal's order dated 27.3.1992.

6. We have considered the contents of the review application carefully and we find no merit in the same. We are unable to discern any apparent error on the face of the record in our order dated 6.8.1992. Since, we are disposing of the application on merits, we do not consider it necessary to go into the question as to whether a review application lies for getting an order passed in a Misc. Petition set aside or modified.

7. While disposing of this application we have adopted the procedure of circulation as permissible under the rules. The application is rejected.

Yashin
(M.Y.PRIOLKAR)
MEMBER (A)

S.K.DHAON
(S.K.DHAON)
VICE CHAIRMAN

mrj: