

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

REVIEW PETITION NO.04/1999
IN
ORIGINAL APPLICATION NO.1173/97.

THURSDAY, THIS THE 14TH DAY OF JANUARY, 1999.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
Hon'ble Shri D.S.Baweja, Member(A).

Babu Ramji Dhanu.

....Applicant.

V/s.

The Administration of Daman, Diu & Ors.

....Respondents.

:ORDER ON REVIEW PETITION BY CIRCULATION :

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

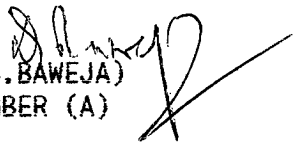
This is a Review Petition filed by the Respondents to the O.A. against our Judgment dt. 21.12.1998. We have perused the Review Petition and the case file.


2. One of the points taken in the Review Petition is that the C.C.S. (Temporary Service) Rules, 1965 do not apply to persons employed in Work Charge Establishments. After considering the facts and circumstances of the case and having regard to the fact that the applicant had put in about 9 years service as a temporary employee and about 18 years service as a daily wages Labourer, we have given direction that applicant should be absorbed as a regular employee w.e.f. 1.10.1987. We have pointed out that even under the CPWD Manual pertaining to Work Charge Establishment, there is a provision for regularisation or absorption of an employee retrospectively even after retirement. Therefore, we have given a direction for regularising the services of the applicant from a retrospective date. When once the applicant is treated as a regular employee as directed in our order then automatically CCS(Pension) Rules will get attracted. Therefore, the applicant will be entitled to add 50% of his service as a Casual Labourer to the regular service from 1.10.1987 for the purpose of qualifying service to get pension.

...2.

3. In our view, there is no error apparent on record and there is no discovery of any new fact within the meaning of Order 47 Rule 1 of CPC. We have considered the contentions on both sides and perused the relevant rules and accordingly necessary directions are given. In our view, the Review Petition does not come within the scope of Order 47 Rule 1 CPC. We therefore, find that there is no merit in the Review Petition.

4. In the result, the Review Petition is rejected by way of circulation.


(D.S. BAWEJA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE-CHAIRMAN

B.