IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

M.A. No.131/93
And
R.P No 17/93
[RP-Sr.No.93/93]
in

OA No.745/89   Date of order: 24-2-1993

Between

Hara Prasad Padhy   .. Petitioner

and

1. Chief Staff Officer (P&A)
    Mukhyalaya, Eastern Naval
    Command, Nausena Base,
    Visakhapatnam

2. The Flag Officer,
    Commanding in Chief
    Eastern Naval Command
    Visakhapatnam   .. Respondents

Counsel for the Petitioner   :: Mr M.Panduranga Rao

Counsel for the Respondents   :: Mr NR Devraj, Sr CGSC

CORAM:

HON'BLE SHRI A.B. GORTHI, MEMBER(ADMN)

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

ORDER OF THE DIVISION BENCH BY CIRCULATION AS PER
HON'BLE SHRI T. CHANDRASEKHRA REDDY, MEMBER(JUDL.)

This Review Petition is filed by the Petitioner
under Section 22(3)(f) of the Central Administrative
Tribunals Act read with Rule 17 of the Central Administra-
tive Procedures Rules, to review our Judgement dated
19.10.92 passed in OA 745/89. After going through the
grounds raised in this RP, we proceed to decide this
Review Petition by circulation under Rule 17(3) of
Central Administrative Tribunals (Porcedures)Rules.

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herein
2.   The Petitioner/(applicant in OA 745/89) was

appointed as Medical Officer (Asst.Surgeon Grade I)

in the respondents organisation xx on adhoc basis. Steps

were taken by the respondents to fill up the daid post

of Medical Officer(Asst.Surgeon Grade I) by a regular

incumbant. Aggrieved by the action of the respondents,

to fill up the said post of Asst.Surgecn Grade I

by a regular appointee, the applicant approached this

Tribunal by filing OA 745/89 for a direction to the

respondents to allow the applicant to continue as

Medical Officer (Asst.Surgeon Grade I) and pass such

other orders as may deem fit and proper in the circumstances

of the case.

3.   As per our Judgement dated 19.10.92, we had held

that the services of an adhoc employee automatically comes

to an end on a regular appointment to the post, the
                                                applicant
adhoc employee is officiating and that,the/does not

have a right to continue for ever on adhoc basis.

After observing so, we dismissed the OA with a direction

that the respondents may allow the applicant if they so

choose to continue in the said post until a regular incumbent

is appointed by transfer/on deputation/( ) transfer/

re-employment as the case may be failing which by direct

recruitment through Union Public Service Commission as

per the recruitment rules.

                    S.R.NO.
4.   The present RP 93/93 is filed by the Petitioner

to review the said judgement dated 19.10.92 passed in
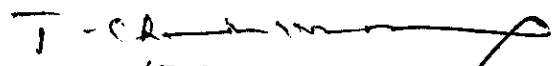
OA 745/89 as already indicated.

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5.   There is a delay of 38 days on the part of the
Petitioner in filing this Review Petition. So, MA 131/93
is filed to condone the delay of 38 days in filing this
RP. In the affidavit accompanying the MA that is
filed   to condone the delay of 38 days, it is averred
by the Review Petitioner (applicant in OA745/89) that
there was no communication to the applicant from the
office of his counsels till 26.12.92 in connection with
OA 745/89. It is also further averred that on 15.12.92
the applicant heard from his Departmental sources that his
case in OA745/89 was dismissed, and that the applicant contacted
his counsel Sri S.Kishore over telephone and in response
to his querry, he received a letter on 26.12.92 along with
a copy of the order in OA 745/89 and that the applicant was
shocked to note from the copy of the order that none of
his counsels appeared before the Hon'ble Tribunal on
12.10.92, 14.10.92 and 19.10.92 and no representation
was made in support of the case of the applicant. So
in the affidavit filed, blame is sought to be thrown
on the counsel for the applicant in the OA 745/89 for not
informing him the hearing dates of the OA.

6.   The counsel for the applicant Sri S.Kishore would
have been the best person to inform this Tribunal whether
he had informed the applicant about the hearing dates of
the OA 745/89, And, if he had not informed the applicant,
for what reasons he had not informed the applicant therefor.
The applicant had not filed the affidavit of his counsel
Sri Kishore to make it clear that the applicant had no
knowledge of the hearing of his OA745/89 as his counsel
Sri Kishore had not informed him, of the hearing dates
of the OA. So, in the absence of such an affidavit from
the applicant's counsel in OA745/89 (petitioner herein)
we are not prepared to believe the version of the applicant

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in his affidavit that he was not aware of the hearing dates of OA 745/89. So, we do not see sufficient cause to condone the delay of 38 days in filing this Review Petition and hence, MA 131/93 is liable to be dismissed and is accordingly dismissed.

7.   We have gone through the grounds taken in the Review Petition Sr. No 93/93 for reviewing our Judgement dated 19.10.92 passed in OA 745/89. We do not find any merits in the grounds that are taken in the Review Petition for reviewing our Judgement. For all the aforesaid reasons, this Review Petition is dismissed.

(A.B. GORTHI)   (T.CHANDRASEKHARA/REDDY)
Member(Admn)   Member(Judl.)

Dated: 2 4   February, 1993

mvl   Dy. Registrar(Judl.)

Copy to:-
1. Chief Staff Officer(P&A) Mukhyalaya, Eastern Naval Command, Nausena Base, Visakhapatnam.
2. The Flag Officer, Commanding in Chief Eastern Naval Command, Visakhapatnam.
3. One copy to Sri. M.Panduranga Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One spare copy.

Rsm/-

TYPED BY   COMPARED BY

CHECKED BY   APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.V.NEELADRI RAO :V.C.

AND

THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)
Hm mr A B-Ghoshi, A.M
         AND

THE HON'BLE MR.CHANDRA SEKHAR REDDY
               :MEMBER(J)

AND

THE HON'BLE MR.

DATED: 24/2/-1993

ORDER/JUDGMENT:

R.P./C.P/M.A. No.   93/93

in
7 45/87

O.A. No.

T.A. No.   (W.P.No.   )

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

pvm