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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Review Application No. 58 of 1996.

IN
Original Application No. 98 of 1996.

Date of Order : 26th July, 1996.

Between :-

Tadikonda Wilson Paul

...Applicant

And

1. Dy.Chief Signal & Telecommunications,
Engineer/Tele/Railway Electrification,
Secunderabad.
2. Chief Project Manager, .
Railway Electrification,
Vijayawada.
3. General Manager,
Central Organisation,
Railway Electrification,
Allahabad.

...Respondents

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Counsel for the Applicant : Shri G.V.Sekhar Babu

Counsel for the Respondents : Shri J.R.Gopal Rao, SC for Rlys

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CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN *b/w*

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

(Oral Orders per Hon'ble Justice Shri M.G.Chaudhari,
Vice Chairman).

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By this review petition, the original applicant seeks to re-open the original case on merits in exercise of our powers of review. The original judgement rejecting ^{2d} the claim of the applicant on merits to quash the order of his termination as Casual Worker with effect from 22.2.88. That is a finding recorded on merits and different view cannot be taken under the ~~guise~~ guise of review. The only remedy the applicant could follow was to appeal.

2. We find from the application that even though the above prayer was rejected, on sympathetic grounds, the applicant was directed to be paid additional wages as indicated and also it was recommended that if in future there would be any work available to engage a casual labourer, the respondents might consider the applicant for the same in preference to freshers. Since this direction being in favour of the applicant, no question of review ~~of it~~ can arise.

3. The learned counsel for the applicant states that the applicant has been paid the arrears and indeed in due ~~difference~~ reference to the desire of the Tribunal expressed in the judgement, he has been offered engagement to work as Bunglow Kafasi and he is asked to make an application if he is willing to accept that engagement.

Letter ~~at~~ No.CPM/RE/BZA dt.2.5.96 annexed to MA 637/96 states

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38

✓ that the applicants request for re-engagement as Casual Labourers although has been noted for consideration against any requirement of fresh face casual labourer in the project, since at present no fresh faces ~~have been taken~~ ^{are being} except as Bungalow Khalasis and therefore if he was willing to work in that capacity, he may forward his application for registering his name for that appointment and it will be considered in due course. We think that the applicant has got much more than he could hope in the O.A. because on merits his claim for re-instatement was not accepted.

4. Despite the above facts, the learned counsel for the applicant vehemently argues that the applicant is a poor person. He has been left in a midstream and his family is suffering as the applicant has lost job and that on humanitarian and sympathetic grounds, his claim for Temporary Status made in the O.A. may be re-opened and granted by allowing the R.A. He also refers to the judgement of the Hon'ble Supreme Court in H.C. Putta swamy & another Vs. Hon'ble Chief Justice of Karnataka High Court to draw our attention that although in that case the appointments in sub-ordinate courts were found to be illegal, yet since those employees ^{had} served for about 10 years, on humanitarian grounds, the Supreme Court was inclined to direct that they should be treated to be regularly appointed with all benefits of past service. Even assuming that with respect ^{ther} we may follow the course indicated therein, in a case of the applicant as well, unfortunately that stage has gone when the O.A. was dismissed on merits and

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on these grounds which cannot be termed as legal grounds for which review can be permissible suffice to re-open the original case in exercise of powers of review -
Left to ourselves, we would feel that the applicant will be well advised to avail of the offer made to him by the Respondents to apply for the post of Bungalow Khalasi and avail the appointment.

5. We therefore find no ground on which the review can be entertained. The Review Application is therefore rejected.

6. Miscellaneous Application No.637/96 stands consequently rejected. No order as to costs.

H.RAJENDRA PRASAD
(H.RAJENDRA PRASAD)
Member (A)

M.G.CHAUDHARI
(M.G.CHAUDHARI)
Vice-Chairman

Dated: 26th July, 1996.
Dictated in open Court.

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Amrit Singh
Deputy Registrar (OCC)