(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of order: 08.07.1999

RA No.3/99 (OA No.271/97) and

RA No. 4/99 (OA No.272/97)

1. Union of India through the Secretary to the Government of India, Department of Posts, Government of India, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Senior Superintendent, Railway Mail Service, Jaipur.
4. Head Record Officer, Railway Mail Service, JP Division, Jaipur.

.. Petitioners

Versus

1. Chaggan Lal Sood S/o Shri Mangi Lal Sood, aged about 35 year, presently working in the Office of Railway Mail Service, Jaipur Division, Jaipur.

2. Ram Kishan Bairwa S/o Shri Mool Chand Bairwa, aged 36 years, presently working in the office of Railway Mail Service, Jaipur Division, Jhunjhunu.

.. Respondents

ORDER

Per Hon'ble Mr. N.P.NAWANI, Administrative Member

This is a Review Application filed under Section 22(3)(f) of the Administrative Tribunals Act, 1985 by the Union of India and Ors. seeking review of the order dated 3.5.1999 passed by Hon'ble Mr. Ratan Prakash, Judicial Member of this Tribunal in OAs Nos. 271/97 and 272/97.

2. The respondents (applicants in the OA) has claimed conferment of temporary status w.e.f. 29.11.1989 instead of that having been granted w.e.f. 16.5.95 as per the impugned order in the Original Application. The Petitioners in these RAs have mentioned that when they filed the reply to the Original Applications complete records including contingent vouchers could not be traced and they could only mention that the applicants (in the OA) were engaged purely on daily wage basis against a leave vacancy. This Tribunal based on the available pleadings from rival parties, the order, under review, dated 3.5.99 by which the impugned order conferring temporary status on the applicants in the OAs Nos. 271/97 and 272/97 was held as inoperative and the official respondents were directed to issue necessary modified orders in favour of both the petitioners conferring them temporary status w.e.f. 29.11.1989.

3. The petitioners have now stated that when the cases of the petitioners were examined by the department in compliance of the order of

(4)

the Tribunal in the concerned OAs, a search was made and certain old records were traced out. It was then revealed that although S/Shri C.L.Sood and R.K.Bairwa had started working on 18.1.1988 and 25.8.1987 respectively, none of both had completed 240 days of work in the years 1988, 1989 and 1990. It was only in the year 1991 that Shri Sood had worked for 262 days and Shri R.K.Bairwa for 272 days. Accordingly, they could be conferred the temporary status only from the month of January, 1992 and August, 1991 respectively. Therefore, they pleaded in this Review Application that since these could not be brought to the notice of the Hon'ble Tribunal despite discharge of due diligence, the order passed by this Tribunal dated 3.5.99 in OAs Nos. 271/97 and 272/97 may either be modified or the OAs may be dismissed.

4. I have carefully considered the averments made by the official respondents in this Review Application. It is very difficult to apprehend as to why they did not make any attempt to trace the official records over such a long period as on 28.10.97 when the OAs were listed and on 21.4.99 when the arguments on these OAs were heard and orders reserved. It appears from the Ann.R2 to R4 enclosed with the Review Application that these records had been kept in good condition and since the concerned offices are also located at Jaiput itself, the official respondents could have traced these records very easily during this long period, if sincere efforts were made. It appears that efforts to trace the records were initiated after the order dated 3.5.99 from this Tribunal went against the respondents. They should have made all possible efforts to trace these records before the OAs were heard. It is, therefore, not possible to accept the plea of the petitioners in this Review Application that despite discharge of due diligence, they could not trace the records vitally important for disposal of the concerned OAs before the case was heard. The Review Application is accordingly dismissed in limine.

5. By circulation.

Sd/-

(N.P.NAWANI)

Adm. Member

TRUE COPY ATTESTED

Section Officer (Judicial) 6/7/99

Central Administrative Tribunal

Jaipur Bench, JAIPUR