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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Review Application No.30/96

Date of order: 16.8.1996

*in O.A. 72/93*

Yogeshwar Dayal Pradhan : Applicant

Vs.

Union of India & Ors. : Respondents

PER HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER.

In this Review Application, Shri Yogeshwar Dayal Pradhan has prayed that the order dated 3.6.1996 passed by the Tribunal in O.A.No.72/93, Yogeshwar Dayal Pradhan Vs. Union of India & Ors, may be recalled and the O.A may be heard afresh and decided on merit.

2. After going through the Review Application and the other material on record, we are of the view that the Review Application can be disposed of by circulation without fixing any hearing. It is, therefore, being disposed of accordingly.

3. In O.A No.72/93, the applicant had prayed that the order dated 1.2.93 by which his services had been terminated may be quashed, the applicant may be reinstated in service, the respondents may be directed to regularise the services of the applicant from the date of his initial appointment with all consequential benefits and that the respondents may be directed to assign appropriate seniority to the applicant on the post of Hindi Typist. On the date of hearing, namely 3.6.96, on which date the O.A came up for hearing as per turn, none was present on behalf of the applicant. The counsel for the respondents was heard and the material on record was gone through. The application was thereafter disposed of by an order pronounced in the open court on the same date.

4. After the applicant's services, who had been appointed as Typist in the All India Radio, had been terminated vide order dated 1.2.1993, the Tribunal had stayed the operation of the aforesaid order by issuing an interim direction on 2.2.1993. While disposing of the O.A, the Tribunal had taken

note of the fact that in accordance with the Scheme formulated by the Department of Personnel & Training, vide its O.M dated 2.8.1993 which was placed as Annx.P1 to the reply to the Additional Affidavit filed on behalf of the respondents, on the applicant's passing the requisite test conducted by the Staff Selection Commission, the applicant had been regularised in the post of Hindi Typist. Therefore, it was held by the Tribunal that all prayers made by the applicant in the O.A had become infructuous, except the one relating to his seniority. With regard to seniority, the Tribunal noted the stipulation in the Scheme, Annx.P1 formulated by the Department of Personnel & Training, Govt. of India, that regularisation of ad hoc employees like the applicant will take place from the date of declaration of the result of the special qualifying examination which was to be conducted by the Staff Selection Commission for the purpose. The Tribunal, accordingly held that it was in accordance with the Scheme that the services of the applicant had been regularised w.e.f. 6.10.94, which was the date of declaration of the result of the special qualifying examination conducted by the Staff Selection Commission. The Tribunal, therefore, held that the applicant would not be entitled to regularisation of his services from the date of his initial appointment on ad hoc basis, and that his seniority would be regulated with reference to the date of his regularisation.

5. In the Review Application, the applicant has stated that the matter came on the Board all of a sudden on 3.6.96 on which date the counsel for the applicant did not appear. On account of the nonappearance of the counsel for the applicant, an ex parte order was passed resulting in the position that the applicant's services stood regularised w.e.f. 6.10.94 and his past services rendered since 2.1.92, although on ad hoc basis, were not counted for the purpose of seniority. According to the

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applicant, it is the settled position of law that if any incumbent, although appointed on ad hoc basis, but after undergoing a regular mode of recruitment/selection is declared confirmed on the said post on account of his passing the departmental/special selection examination, etc, his past services rendered on ad hoc basis are liable to be counted for the purpose of determining his seniority. The applicant has added in the Review Application that he has placed on record two judgments passed by the Tribunal and also certain other judgments passed by the Hon'ble Supreme Court. However, on account of the nonappearance of the counsel for the applicant, "because there was no date given that the matter will be listed on such date", the counsel could not argue the matter on behalf of the applicant. He has accordingly prayed that the order dated 3.6.96 may be recalled and the matter may be heard afresh.

6. We have carefully considered the matter. The matter came up for hearing as per turn on 3.6.96, in accordance with the procedure followed by the Tribunal and that laid down in the Central Administrative Tribunal Rules of Practice, 1993. On that date the O.A was disposed of after going through the pleadings of the applicant as contained in the O.A and the annexures thereto, the reply of the respondents and other documents on record as also the oral arguments put forward by the counsel for the respondents. There was thus no irregularity in the procedure regarding the case coming up for hearing on 3.6.96 and the Tribunal taking it up for disposal on that date.

7. As to the other averments in the Review Application, the Tribunal had carefully considered the material on record including the Scheme formulated by the respondents regarding regularisation of ad hoc employees and had thereafter decided that seniority to the applicant would be available from the

date on which the result of the special qualifying examination to be passed by the applicant was declared. In the O.A, the applicant had not cited any particular judgment of the Tribunal or of the Hon'ble Supreme Court in support of his prayers, nor had he annexed copy of any such judgment with the O.A. There was, therefore, no material or judgment relied upon by the applicant which had remained to be considered by the Tribunal while disposing of the O.A. There is, therefore, no ground for review and recall of the order passed on 3.6.1996. The grounds for the review sought by the applicant do not fall within the scope of Order XXXVII Rule 1 of the Code of Civil Procedure. The Review Application is accordingly dismissed.

By circulation.



(Ratan Prakash)

Member(Judicial)



(O.P.Sharma)

Member(Administrative).