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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

R.A NO.43/96

Date of order: 18.12.96

1. Union of India through the Secretary to the Govt of India Ministry of Textiles, New Delhi.
2. The Director (Conal) Weavers' Service Centre, Govt. of India, Ministry of Textiles, Weavers' Colony, Bharat Nagar, Delhi-51.
3. The Deputy Director Incharge, Weavers' Service Centre, Opposite Rajasthan Bible Institute, Civil Lines, Ajmer Road, Jaipur.

..Applicants

vs.

Shri Kalu Ram Balai, S/o Shri Manha Ram, Village Madhosinghpura, Post Hamli-ka-Bas, Tehsil Chaksu, District, Jaipur.

..Respondent.

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

In this review application the Union of India & Ors who were official respondents in O.A No.449/93, Kalu Ram Balai vs. Union of India & Ors, have sought a review of the order dated 19.9.96 passed in the aforesaid O.A. In that OA, Shri Kalu Ram Balai had prayed that the order dated 30.6.93 by which the services of the applicant were terminated under Rule 5(1) of the Central Civil Services (Temporary Services) Rules, 1965, may be quashed and the applicant may be allowed to continue in service. The Tribunal while disposing of the O.A had taken note of the earlier order of the Tribunal passed on 29.4.93 in O.A No.1093/92 filed by Shri Kalu Ram Balai. In that earlier order the Tribunal had set aside the order of termination of Shri Kalu Ram Balai but had given opportunity to the respondents to pass a fresh order according to law keeping in view however the principle of 'last come first go' and other relevant provisions. The

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respondents passed a fresh termination order after issuing notice to the applicant which was challenged by the applicant in O.A NO.449/93 on the ground amongst others that 4 persons employed on the post on which the applicant was employed were junior to the applicant and they were still continuing. The Tribunal while passing the order dated 19.9.96 took note of this fact and observed that there was no specific and categorical denial from the respondents that these persons are junior to the applicant and that they are continuing in service. The Tribunal accordingly held that the order passed by the respondents terminating his services again was in violation of the principle of 'last come first go' with regard to which directions had been given by the Tribunal in the earlier O.A filed by the applicant. Accordingly, the order of termination was once again quashed by the Tribunal.

2. In the present review application, the official respondents have stated that the correct position of the case was not laid before the Tribunal. They have disputed the position regarding the persons who were claimed to be junior to the applicant in the O.A and who are stated to be ^{still} continuing in service, and have stated that no person junior to the applicant had been working as Hamal on regular basis in the office of the respondents in the O.A. They have, therefore, stated that there is mistake in the judgment of the Tribunal which is apparent on the face of the record and it deserves to be rectified.

3. We have gone through the review application and the connected records including the orders passed by the Tribunal earlier. We are of the view that this review application can be disposed of in limine without granting hearing to the parties.

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4. The position that there was no specific and categorical denial from the respondents in the O.A that persons junior to the applicant had been engaged and they were still continuing remains. The position sought to be presented now regarding the 4 persons named by the applicant was not presented in the reply to the O.A. In their reply to the specific averment of the applicant regarding S/Shri Suresh, Mahendra, Rajesh and Govardhan being junior to the applicant and still continuing in service, there was no specific denial. Apparently these 4 persons were also working on a casual basis like the applicant and the respondents were expected to deal with their position also in their reply. None was also present on behalf of the respondents at the time of hearing of the O.A on 19.9.96 on which date the order was passed. We are, therefore, of the view that there are no grounds to justify the review of the order passed by the Tribunal on 19.9.96. The prayer in the review application is beyond the scope of Order XLVII Rule 1 of the Code of Civil Procedure. The review application is, therefore, dismissed in limine.

By circulation.



(Ratan Prakash)
Judicial Member



(O.P.Sharma)

Administrative Member.