

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**R.A. No.244/2016 In
O.A. No.1721/2014**

Reserved on: 11.01.2019

Pronounced on: 18.01.2019

Hon'ble Sh. V. Ajay Kumar, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)

Romasha Mishra Pandey,
W/o Shri R.K.Pandey
R/o Flat No.403, DDA Flats
Sector E, Pocket II, Vasant Kunj
New Delhi – 110 070.

... Review Applicant

(By Advocate: Shri Umesh Prasad for Shri Bharat Singh)

Versus

1. National Institute of Public Finance & Policy
18/2, Satsang Vihar Marg
Special Institutional Area (Near JNU)
New Delhi – 110 067.
2. Ms. Alka Matta, Secretary
National Institute of Public Finance & Policy
18/2, Satsang Vihar Marg
Special Institutional Area (Near JNU)
New Delhi – 110 067. ...Respondents

(By Advocate: Ms. K. Iyer with Mr. C.R. Dutta Biswas)

ORDER

Hon'ble Sh. V. Ajay Kumar, Member (J)

The applicant, a contractual Accounts Officer of the 1st respondent-National Institute of Public Finance and Policy, filed the OA No.1721/2014 questioning the discontinuation of her services, vide the impugned order dated 30.04.2014. This Tribunal, after

hearing both sides, dismissed the said OA No.1721/2014 and the operative part of the said judgment reads as under:-

“8. Heard Shri Puneet Aggarwal, the learned counsel for the applicant and Ms. K.Iyer, the learned counsel for the respondents and perused the pleadings on record.

9. A perusal of the recruitment rules governing the post of Accounts Officer clearly indicate that the appointment of the applicant was made rightly on contractual basis, initially for a period of two years. The applicant having joined as Accounts Officer, on contractual basis, after accepting the terms of the offer of appointment, and also in view of the recruitment rules, cannot contend that her appointment on contractual basis is bad and that she would have been appointed on regular basis. Similarly, the contention of the applicant that her appointment should be treated as regular appointment, though it was mentioned as contractual appointment, is also unacceptable for the same reasons.

10. The applicant though made the 2nd Respondent, Secretary of the 1st Respondent-NIPFP, as a party respondent by her name, and levelled mala fides against her, but failed to substantiate any one of them. In fact, the allegations against the 2nd Respondent are vague and without any specific details. It is the settled principle of law that if mala fides are attributed against any person, the complete onus to prove the same, is on the person, who alleges mala fides. In the present case, the applicant failed to prove the mala fides alleged against the 2nd Respondent.

11. In the circumstances and for the aforesaid reasons, we do not find any merit in the OA and accordingly the same is dismissed. No costs”.

2. The applicant, though filed W.P. (C) No.8271/2016 before the Hon'ble High Court of Delhi, against the orders in the OA but had withdrawn the same with a liberty to file a review petition, vide order dated 19.09.2016.

3. Accordingly, the instant RA has been filed.

4. Heard Shri Umesh Prasad for Shri Bharat Singh, the learned counsel for the Review Applicant and Ms. K. Iyer with Mr. C.R.

Dutta Biswas, the learned counsel for the respondents and perused the pleadings on record.

5. Shri Umesh Prasad, the learned counsel for the review applicant, except trying to reargue the OA on merits, failed to show any valid ground to invoke the review jurisdiction of this Tribunal or any error apparent on the face of the record. It is the settled principle of law that rearguing the case, on merits, in a review is impermissible.

6. Accordingly, the RA is dismissed, being devoid of any merit.

No costs.

(Aradhana Johri)
Member(A)

(V. Ajay Kumar)
Member(J)

RKS