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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.102/2004 in OA No.631/2003

New Delhi, this the 26th day of April, 2004

Hon'ble Shri S.K. Naik, Member(A)

Gurdeep Singh

.. Applicant

versus

Union of India and others

.. Respondents

(Shri B.S. Jain, Advocate)

ORDER(in circulation)

Review application has been filed on behalf of Union of India on 7.4.2004 against the order dated 11.11.2003 by which OA 631/2003 was allowed with the direction to the respondents to regularise the applicant therein in the post of MLD w.e.f. the same date when similarly persons were so regularised.

2. In the MA 631/2003 filed for condonation of delay in filing the RA, it is admitted by the respondents that a copy of the order was received by them on 20.11.2003. It was sent to Ministry of Urban Development in January, 2004 and a decision was taken to file a review on 17.2.2004 and ultimately the same is filed on 7.4.2004. However the reasons for a such long delay have not been explained properly. In view of this position, MA 631/2003 is rejected.

3. Review is sought on the grounds, amongst others, that there some mistakes of law on the face of the judgement inasmuch as the applicant has been working on hand-receipt basis and there is no question of seniority as he is the only person in Faridabad Central Division No.I and daily wagers are not recruited/posted on regular

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basis. That apart applicant's case is a backdoor entry and that the case of Shri Rawat, following the ratio of which the aforesaid order was passed, cannot be treated as judgement in rem for similar decision in other cases.

4. The facts that the applicant has been working with the respondents for a period of nearly 15 years, he has passed the trade test for the post of MLD that the said post is available with the respondent-department are not in dispute. Therefore respondents cannot take the plea of applicant's backdoor entry at this stage. Again there is no proper explanation either in the reply to the OA or in the present RA as to how the case of Shri Rawat is not applicable to applicant's case. In such a situation, it cannot be claimed that there are mistakes apparent on the face of judgement warranting a review of the same.

5. In view of what has been stated above, the present RA is not maintainable and is accordingly rejected.

(S.K. Naik)
Member(A)

/gtv/