

K

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA 258/2004
MA 1907/2004 in
OA 1584/2003

New Delhi this the 29th day of November, 2004

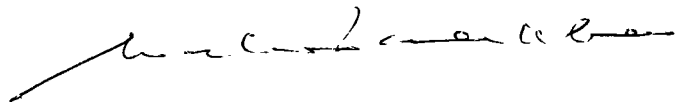
Hon'ble Mr. Justice M.A. Khan, Vice Chairman (J)
Hon'ble Mr. S.A. Singh, Member (A)

In the matter of

1. Prem Singh, S/O Khet Ram,
R/O B-60/SA, Gali No. 9,
Sashi Garden, Mayur Vihar,
Phase 1, Delhi-110091
2. Ganesh Kumar,
S/O Shri Chander Mohan,
R/O B-60/SA, Gali No. 9,
Sashi Garden, Mayur Vihar,
Phase 1, Delhi-110091
3. Shayam Lal,
S/O Shri Prakash Chander,
R/O B-60/SA, Gali No. 9,
Sashi Garden, Mayur Vihar,
Phase 1, Delhi-110091
4. Balram,
S/O Shri Ram Kishan,
R/O B-60/SA, Gali No. 9,
Sashi Garden, Mayur Vihar,
Phase 1, Delhi-110091
5. Babu Lal
S/O Shri Arjun Singh
R/O B-60/SA, Gali No. 9,
Sashi Garden, Mayur Vihar,
Phase 1, Delhi-110091
6. Kalyan Singh,
S/O Shri Surjeet Singh,
R/O B-60/SA, Gali No. 9,
Sashi Garden, Mayur Vihar,
Phase 1, Delhi-110091

Review Applicants

(By Advocate Shri Sachin Chauhan)



6

VERSUS

1. Union of India through
its Secretary, Ministry of Defence,
New Delhi.
2. Air Force Commanding,
Air Headquarters, New Delhi.
3. Wing Commander,
Chief Administrative Officer,
Air Force Station, Race Course,
New Delhi.

Respondents

O R D E R (ORAL)

(Hon'ble Mr Justice M.A. Khan, Vice Chairman (J)

MA 1907/2004

Applicants filed the above application for condonation of delay in filing the Review Application 258/2004. For the reasons stated in the application, we condone the delay. MA stands disposed of as above.

RA 258/2004

The applicant seeks review of the order of this Tribunal dated 24.2.2004 whereby the OA No.1584 of 2003 filed by the applicants was dismissed on the ground that the Tribunal had no jurisdiction to entertain it.

Applicants filed an OA for quashing the order of termination of their services. It was alleged that the applicants were appointed as Conductor/Driver in the Welfare Bus Office run by Air Force Station, New Delhi. They were confirmed in the aforesaid posts in the month of May 1997/1998, respectively. When the applicants were about to complete 4-5 years of service they too had attained the status of permanent employees as they were rendering their job efficiently and diligently but their services had been terminated in violation of the principle of natural justice. By now the applicants have also crossed the age limit for appointment in Group 'C' and 'D' which is causing harm to them in the matter of fresh appointment. It is also alleged that the orders of termination of

X

service are vitiated as the same had been passed in contravention of the Rules. They sought their reinstatement in service.

OA was contested by the respondents.

The Tribunal heard the OA. Preliminary objection was raised on behalf of the respondents that the Tribunal had no jurisdiction to entertain the OA. The Tribunal upheld the objection and dismissed it by the order under review.

We have heard the learned counsel for the applicant.

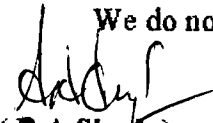
Learned counsel for the applicants has submitted that the order dated 26.2.2004 passed in OA 1584/2003 that the Tribunal has no jurisdiction to entertain the OA for granting the relief prayed for, is contrary to some orders of this Tribunal since in some other similar cases, directions have been issued to the respondents. He has further submitted that the judgment of the Jodhpur Bench of the Tribunal dated 7.2.1996 in OA 147/1993 also squarely covered the case of the applicants and has been erroneously distinguished by the Tribunal.

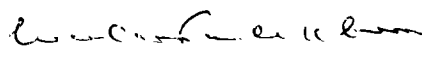
We have given careful consideration to the submissions made by the learned counsel for the applicants. The Tribunal has taken into consideration the judgment of the Jodhpur Bench of the Tribunal and in Para 12 of the order reasons have been given for distinguishing the same on facts. This Tribunal cannot sit in appeal over the findings of the Tribunal. There is no mistake apparent on the face of record to justify review of that finding. In case there are certain other OAs filed by similarly placed persons in which directions have been given that will not be a binding precedent as it is not stated by the applicant that in any of them question of jurisdiction has been

2

taken up and decided the finding recorded by the Tribunal is on merit after hearing the parties and considering the judgement of Jodhpur Bench of the Tribunal. There is no mistake apparent on the face of record warranting review of the order dated 24.2.2004.

We do not find merit in the review application and dismiss it.


(M.A. Singh)
Member (A)


(M.A. Khan)
Vice Chairman (J)

sk