

Central Administrative Tribunal
Principal Bench

RA 57/2000
in
OA 1097/1996

New Delhi this the 29th day of February, 2000.

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Smt. Shanta Shastry, Member(A).

Sumit Kumar Malik & Ors.

Applicants.

Versus

Union of India & Ors.

Respondents.

O R D E R (By circulation)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

We have carefully perused the grounds taken in RA 57/2000 filed by one of the applicants, Shri S.K. Malik, in O.A. 1097/96 praying for review of the Tribunal's order dated 11.1.2000 and to decide the matter on merits.

2. One of the grounds taken is that the O.A. had been admitted by the Tribunal by order dated 15.10.1996. According to the applicant, this order was passed after giving preliminary hearing and over-ruling the objection to the territorial jurisdiction. He has submitted that the fact that the O.A. has been admitted by order dated 15.10.1996 has escaped the notice of the Tribunal.

3. We have seen the Tribunal's order dated 15.10.1996 which reads as follows:

"Present: Ms. Meenu proxy for Sh. B.S. Mainee, counsel for applicant.

Sh. B.S. Jain, counsel for respondents.

Ld. counsel for applicant states that rejoinder has been filed which has not been placed on record.

Y/

Registry is directed to trace the same and place on record. The application is admitted.

Case be listed for final hearing in its turn".

4. From the above order, we are unable to agree with the contentions of Shri B.S. Mainee, learned counsel that the order has been passed after over-ruling the preliminary objection of territorial jurisdiction. ~~besides~~ the O.A. being admitted is subject to the other provisions of law, as the Tribunal's order can be passed only in terms of law. Therefore, this ground fails as it cannot be stated to be an error apparent on the face of the record.

other

5. The grounds taken by the review applicant do not also disclose any error on the face of the record, or other sufficient reason, as provided under Order 47 Rule 1 CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985, to justify allowing the Review Application.

6. For the reasons given above, Review Application (RA 57/2000) is rejected.

Laws 9-

(Smt. Shanta Shastry)
Member(A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)