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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

R.A. No. 27/1987 in
O.A. No. 313/86
T.A. No. 198

DATE OF DECISION 29.7.1987

Shri G.L.Bhandari Petitioner

Shri B.B.Rawal, Advocate for the Petitioner(s)

Versus

Union of India Respondent

Mrs. Raj Kumari Chopra, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. S.P. Mukerji, Administrative Member

The Hon'ble Mr. M.B. Mujumdar, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No


(M.B. Mujumdar)
Judicial Member


(S.P. Mukerji)
Administrative Member

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:DELHI

Regn. No. RA-27/1987 in
OA-313/1986

Date: 29.7.1987

Shri G.L.Bhandari

..Applicant.

Versus

Union of India

..Respondents.

For Applicant

..Shri B.B.Rawal,
Advocate.

For Respondents.

..Mrs. Raj Kumari
Chopra, Advocate.

CORAM: Hon'ble Mr.S.P.Mukerji, Administrative Member
Hon'ble Mr.M.B.Mujumdar, Judicial Member.

JUDGEMENT
(Delivered by Shri S.P.Mukerji)

This is a review application filed by the applicant in OA No.313/1986 in which by our Order dated 2.2.87 we had partially allowed the application directing the applicant - who is an employee of the Intelligence Bureau to comply with the posting order to Aligarh and directing the respondents to arrange payment of arrears to pay due to him and grant of leave salary within 15 days at Aligarh. The judgement was passed after detailed analysis of the points of facts and law and after hearing both the parties. In the review application the applicant has questioned the validity of the Misc. petition No.315/86 dated 29.5.86 by which the respondents had moved the Tribunal for vacating the stay order. It is surprising that these points should have been raised by the applicant ^{now} long after the case was decided finally on 2.2.87 after several hearing subsequent to the vacation of the stay order when he could have raised these objections. In any case, these are not relevant to the review application. The other points raised in the review application is that the learned Counsel for the respondents on 15.1.1987 had given

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to the Bench some written points but a copy of the same in spite of assurance had not been delivered to the learned Counsel for the applicant. The judgement was delivered on 2.2.87 instead of 30.1.87 as had been fixed earlier. On 30.1.87 ^{the} petitioner, his Counsel and learned Counsel for the respondents were all present. The learned Counsel for the ^{applicant} respondents could have raised this point on that very day but since this was not done he cannot take up this plea at this stage in a review application. He has further indicated that on 21.1.87 he had submitted written arguments. There was no hearing fixed on 21.1.87 and there is nothing on record to show that he had submitted written arguments. In any case since detailed oral arguments were heard on 15.1.87, the applicant cannot justifiably raise a case for review on the plea of written arguments allegedly submitted by him on a date which was not fixed as a date of hearing and that too behind the back of the other party.

2. The review application also has raised the point of people with longer period of stay in Delhi not being transferred. This is a question on merit which has been amply dealt with in the judgement and does not merit consideration in a review application. Similarly, absence of any exigency public service is also a question of merit and cannot be raised now. He is also now referring to certain notings to establish malafides against some senior officers of the Intelligence Bureau which cannot be raised at this stage. The learned Counsel for the applicant has challenged the factual statement indicated in passing in para 4 of the judgement that allegations of victimisation due to the membership of an Employees Association or Staff Council is not

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established because the Association in the Staff Council was for a short period in 1980 and the transfer orders were passed in 1985. The learned Counsel states that the Association and the Staff Council existed even in 1985. Even if it were so, our conviction that there was no malafides in the transfer order cannot be demolished because we had indicated in the judgement that the transfer order had been passed with the approval of the highest level of Director of Intelligence Bureau and if there was any animus against ^{the applicant} ~~him~~ his transfer from Tejpur would not have been modified to bring him to Aligarh which is one of the nearest stations of the Intelligence Bureau to Delhi. The applicant has tried to rake up all the factual points which have already been considered while recording the judgement. Nothing has been shown by the applicant to establish that there has been any error of fact or law, apparent on the face of the record or that he has brought out any new fact which he could not have obtained with due diligence earlier, so as to merit a review of the judgement.

3. In the result, we see no merit in the review application and dismiss the same.

(M.B. Mujumdar)
Judicial Member

S/P
29.7.87
(S.P. Mukerji)
Administrative Member