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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO. 285/94 in
O.A. NO. 2276/89
M.A. NO. 2284/94

New Delhi this the 19th day of October, 1994

THE HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
THE HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

Om Prakash Sharma,
ASI 2527/Sec.
Delhi Police (Security),
Main Line, Copernicus Marg,
New Delhi.

... Applicant

By Advocate Shri J. P. Verghese

Versus

Delhi Administration & Others

... Respondents

ORDER (CRAL)

Shri Justice S. C. Mathur, Chairman —

This review application is directed against the judgment and order dated 23.5.1994 passed by a Division Bench of this Tribunal presided over by the former Chairman, Mr. Justice V. S. Malimath, of which one of us (Shri P. T. Thiruvengadam) was a Member.

2. The Original Application was directed against the order of compulsory retirement passed against the applicant. The applicant's case was that the retirement order was bad as in effect it had been passed by the appointing authority under the dictates of the higher authorities. For this proposition, reliance was placed on the Division Bench's decision of this Tribunal in T.A. No. 1242/85 - Hoshier Singh vs. Union of India. The applicant's plea was traversed by the respondents on whose behalf the judgment of another Division Bench of this Tribunal in O.A. No. 1325/88 - Bakshi Ram vs. Lt. Governor, Delhi, was relied upon.

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3. The Division Bench distinguished the judgment in Hoshier Singh's case (supra) and relied upon the proposition of law laid down in Bakshi Ram's case (supra) and dismissed the applicant's application.

4. The applicant's plea in the present review application is that since the decisions in Hoshier Singh's case and Bakshi Ram's case (supra) had been rendered by Benches of coordinate jurisdiction, the Bench which decided the applicant's case should have, in all propriety, referred his case to a larger Bench.

5. The submission of the learned counsel may have been correct if the Bench had found that the two cases were identical, or the Bench had ignored to notice the case cited by the applicant. The Bench has noticed the case cited on behalf of the applicant and distinguished the same. If the applicant is not satisfied with the distinction drawn by the Bench, his remedy lies in approaching the Supreme Court; review is not the remedy.

6. In view of the above, this review application lacks merit and is hereby rejected.

P. J. Thiruvengadam

(P. T. Thiruvengadam)
Member (A)

S. C. Mathur

(S. C. Mathur)
Chairman

/as/