

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI  
\* \* \*

Date of Decision : 16.10.92

RA 314/92 in OA 1251/92

Shri K.P. Girish Vs. Union of India & Ors.

ORDER

This is a petition for review of the judgement dt. 20.7.1992 by which the application of the petitioner under Section 19 of the Administrative Tribunals Act, 1985 against the orders dt. 20.4.1992 and 4.5.1992 issued by the respondents transferring the petitioner from Regional Vocational Training Institute for Women, Trivandrum to Regional Vocational Training Institute for Women, Bombay was dismissed.

Along with the Review Application, the petitioner has also filed a Memo issued by the Ministry of Labour dt. 21.4.1992 by which the petitioner has been issued a warning with the approval under direction of Director General and Joint Secretary on the basis of certain complaints against him. The applicant has also filed along with the application certain affidavits of certain trainees in the Regional Vocational Training Institute for Women, Trivandrum.

As provided by Section 22 (3)(f) of the Act, the Tribunal possesses the same powers of review as are vested in a Civil Court while trying a civil suit. As per the

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provisions of Order XLVII, Rule 1 of the Code of Civil Procedure, a decision/judgement/order can be reviewed :

(i) if it suffers from an error apparent on the face of the record; or

(ii) is liable to be reviewed on account of discovery of any new material or evidence which was not within the knowledge of the party or could not be produced by him at the time the judgement was made, despite due diligence; or

(iii) for any other sufficient reason construed to mean "analogous reason".

The petitioner has also desired that his Review Application be heard in open Court. I have gone through the various grounds taken in the Review Application and I find that none of the grounds taken by the applicant makes out any case for review of the aforesaid judgement on the guidelines and law laid down as above.

The simple question is that the petitioner has assailed the transfer order and his prayer in that regard in the Original Application was considered on merit, but for the reasons given in the judgement as well as on the law referred to, it was held that the transfer order does not need any

interference. The petitioner in the Review Application has highlighted the principles of natural justice stating that no action should be taken against the person to effect the right or interest without giving reasonable opportunity to him. The petitioner has misconceived the issue before the Tribunal. The issue was the transfer of the petitioner from Trivandrum to Bombay and not various complaints against the petitioner. The petitioner has been given due opportunity to represent his case and argue the same at length and the arguments advanced have been discussed in the judgement.

Regarding the perusal of the departmental file of the petitioner, since the applicant has himself raised certain allegations against the authorities of the training institute, the same was perused and the matter was also shown to the petitioner. The complaints against the petitioner were not taken into account, but the legality and propriety of the order of transfer has been judged.

No valid ground for review of the judgement is made out nor any case for personal hearing is made out. The Review Application, is therefore, dismissed as without force and merit.

*J.P. SHARMA*  
(J.P. SHARMA)  
MEMBER (J) 16.10.92