

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Review Application No. 30 of 2001

IN re.

Original Application No. 779 of 1992.

this the 21st day of Aug 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)
HON'BLE MR. S. BISWAS, MEMBER (A)

Union of India & Others ... Applicants.

Versus.

Bachchan Yadav ... Respondent.

ORDER

RAFIQ UDDIN, MEMBER (J)

This Review petition has been filed for reviewing the order dated 6.11.2000 passed by a Division Bench of this Tribunal in O.A. no. 779 of 1992. By the said order, this Tribunal has allowed the O.A. quashing the order dated 20.5.92 and reinstating the applicant on the post of Assistant Instructor with all consequential benefits.

2. This Review petition has been filed by the respondents in the O.A. on the ground that the order, in question, has been passed following the judgment passed in O.A. no. 751/92 in re. Q. Hasan vs. Union of India & Others. It is stated that the facts of the aforesaid O.A. filed by Sri Q. Hasan are distinguishable because in that case the applicant was reverted from the post of Assistant Instructor to the post of Chaukidar, whereas in the present case the services of the applicant has been terminated.

3. We have perused the material on record and order, in question. We find that the contention of the respondents in the O.A. are not correct because the order under review was

R

passed following the order dated 6.9.2000 passed by a Division Bench of this Tribunal in O.A. no. 137 of 1993 and not the case of Sri Q. Hasan as claimed by the respondents. It is no-doubt true that the Division Bench of this Tribunal in O.A. no. 137/93, which has been relied-upon in the present case was based on the decision of Sri Q. Hasan's case and, therefore, incase the judgment in O.A. no. 137/93 was in-correct the applicants in review should have filed a Review Petition in O.A. no. 137/93. Consequently, the present Review petition is misconceived and is liable to be dismissed. The Review Petition is dismissed accordingly.

S. Balu

MEMBER (A)

D. M. V. Reddy

MEMBER (J)

GIRISH/-