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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Review Application No. 50 of 1994
(O.A. No. 1156 of 1993)
Surrendra Nath Sharma Applicant.

Versus

Union of India
and others

... Respondents.

....

(By Hon. Mr. S. Das Gupta, Member(A))

This application has been preferred under Rule- 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 seeking the review of the judgment and order dated 9.12.1993 by which O.A. No. 1156 of 1993 was dismissed. The main ground taken in the application for review of the judgment and order dated 9.12.1993 is that the Administrative Member of the Tribunal has no jurisdiction in hearing and disposing of the original application. In this regard, a decision of the Supreme Court in the case of Amulya Chandra Kalita Vs. Union of India, reported in 1990 (14)ATC 911. has been cited. In this Case Supreme Court placing reliance upon earlier decision in the case of S.P. Sampat Kumar Vs. Union of India, reported in 1987 (2) ATC, 82 held that it is statutorily recognised that every Bench of the Tribunal must consist a Judicial Member and Administrative Member and that the Administrative Member alone cannot hear and decide the matter.

2. The decision of the Supreme Court in the

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case of Amulya Chandra Kalita has since been reviewed ~~and reversed~~ in the case of Dr. Mahabal Ram ~~vs.~~ ICAR and others, reported in 1991 SC II L.L.J. page 112. In this case, the question as to whether a single member of CAT set up under the Administrative Tribunals Act, 1985 has jurisdiction to dispose of matters coming before the Tribunal under the Act, was considered and ^{it} was held that while allocating work to the Single Member- whether ~~the~~ judicial or Administrative- in terms of sub- Section VI of Section -5 of the Administrative Tribunals Act, 1985, the chairman should keep in view the nature of litigation and where the questions of law and interpretation of constitutional provisions are involved, they should not be assigned to a Single Member. The Supreme Court also held in this case that it would be open to either party ~~to~~ appearing before a Single Member to suggest to the Member hearing the matter that it should go to a Bench of two Members and the Member should ordinarily ~~allow~~ the matter to go to a Bench of two Members when so requested.

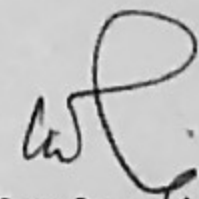
3. Certain matters have been identified for hearing by a Single Member Bench. These include the matter relating to transfer. The Administrative Member was, therefore, fully competent to hear the transfer matter in this O.A. 1156 of 1993 and to dispose of the same. No request was made to the Administrative Member by either of the parties that the matter should

be referred to a Bench of two Members.

4. A judgment and decision can be reviewed on the following grounds;

- (i) that it suffer from an error apparent on the face of the record; or
- (ii) that it is liable to be reviewed on account of ^{discovery} ~~discriminatory~~ on 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 judgment was made despite due diligence ; or
- (iii) that ~~any~~ for any other sufficient reason construed to mean "analogous reason."

5. In the review application, none of the aforesaid grounds holds good. I do not, therefore, ^{find} ~~found~~ any reason justifying the review of the judgment. Consequently, the review ^{to application} merits rejection and the same is hereby rejected.


Member (A)

Dated: 11 April, 1994.

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11.11.94

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D.NO. 4245/94 /SEC. XI
SUPREME COURT OF INDIA
NEW DELHI.

From:-

The Registrar
Supreme Court of India
New Delhi.

DATED:-

19.10.94
27.11.

To

The Registrar
Central Administrative Tribunal
Allahabad Bench
Allahabad.

2003
10-11-94
8) Registrar
PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL/CRL.) NOS 16753-54/94
(Petition under Article 136(1) of the Constitution of India
from the Judgment and Order dated 9.11.94 & 9.12.93
of the High Court of Judicature at C.A.T. at Allahabad Bench,
in R.A. No. 50/94 in O.A. No. 1156/93. and
O.A. No. 1156/93.

Surendra Nath Sharma ...PETITIONER(S)

VERSUS

Union of India & Or. ...RESPONDENT(S)

9-11-94
Sir,

I am directed to inform you that the petition above
mentioned filed in the Supreme Court was dismissed on merits

by the Court on 23.9.94.

Yours faithfully,

SPR
For Registrar