

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABD BENCH
NEW DELHI
~~XXXXXXXXXXXX~~

ORDER
R.A. No. 2 OF 1990 in
O.A. No. 699 OF 1988 ~~198~~
~~XXXXXXXX~~

DATE OF DECISION 10-8-1990

A. KANARE Petitioner

MR. S.V. RAJU Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ORS. Respondent s

MR. J.D. AJMERA Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. A.V. HARIDASAN, JUDICIAL MEMBER.

The Hon'ble Mr. M.M. SINGH, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

A. Kanare,
Deputy Superintendent of
Police,
Central Bureau of Investigation,
Jivabhai Chambers,
Ashram Road,
Ahmedabad.

..... Petitioner.

(Advocate: Mr. S.V. Raju)

Versus.

1. Union of India,
Notice to be served on
Secretary, Department of
Personnel and Training,
Adm. Reforms and Public
Grievances & Pension,
New Delhi.

2. The Director,
Central Bureau of Investigation,
CGO Complex, Block No.3,
Lodhi Road, New Delhi-3.

3. D.I.G. of Police, C.B.I.,
Tanna House, 4th Floor,
11A, Nathalal Parekh Marg.,
Bombay - 400 039.

..... Respondents

(Advocate: Mr. J.D. Ajmera)

O R D E R

R.A. No. 2 OF 1990

IN

O.A. No. 699 OF 1988

Date : 10-8-1990.

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

This Review Application dated 21.12.1989 against judgment dated 27.11.1989 in O.A.No.699/88, has been filed on two grounds. The first ground is that the factual finding in the judgment that there is no provision for making appeal against rejection of representation pertaining to adverse remarks has been wrongly arrived at by the Tribunal. The second

ground is that the question of limitation can be raised only at the time of admission and once the matter has been admitted, will not arise question of matter being time-barred. Then the applicant submitted Misc. Application No. 53/90 in the Review Application advancing further grounds for review and seeking permission to amend the Review Application. Indeed another application M.A.No. 198/90 for amendment of R.A.No. 2/90 also came to be filed in which the applicant came to advance a further ground for review. Apparently an effort to keep advancing piecemeal to the grounds for review has been made which cannot be allowed. Rule 17 of C.A.T. (Procedure) Rules provides for entertaining review application to review any orders of the Tribunal. Further applications to amend the review application cannot be allowed in order to put an end to several review applications though the same are given the nomenclature of amendments to the review application. The two applications are therefore not allowed and the review is of application No. 2/1990 as it was filed.


2. The respondents taking notice resisted the Review Application by filing a reply dated 17.1.1990 to which ~~the~~ reply the applicant submitted a rejoinder dated 29.1.1990. The applicant submitted written

arguments dated 26.2.1990 in which he has extensively dealt with the law and the case law on the subject of review of judgments considering which arguments ^{also} we find no grounds to allow the review application as would be seen from our following views.

3. Of the two grounds for Review figuring in Review Application No. 2/90, the first ground questions a factual finding in the judgment. This ground questions this finding in the judgment ^{which is arrived} on merits of evidence which is not the scope of review. The second ground is on the subject of limitation. It is clear from the judgment that various objections the respondents raised, including on grounds of limitation, were mentioned in it and discussed but nevertheless the judgment is on merits. Had the objection on grounds of limitation advanced by the respondents been accepted, the original application would have been rejected on that ground only and not on merits. The second ground thus is misconceived and does not survive.

4. The review application is dismissed.

M. M. Singh
(M.M. SINGH)
Administrative Member.


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(A.V. HARIDASAN)
Judicial Member.