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R.A. NO.

24 of 1993 in
283 of 1990.

O.A. No.

283 of 1990.

T.A. No.

07.10.1993.

Shri K.Kumarswamy, IPS.

Petitioner

Shri S.Tripathy

Advocate for the Petitioner(s)

Versus

Union of India and ors.

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt

: Member (J)

The Hon'ble Mr. M.R.Kolhatkar

: Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? ☒
3. Whether their Lordships wish to see the fair copy of the Judgement ? ☒
4. Whether it needs to be circulated to other Benches of the Tribunal ? ☒

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: 2 :

Shri K.Kumarswamy, IPS,
S.R.P.F., Gr. I, Baroda.

...Applicant.

Versus

1. The Union of India (Notice to be served on the Secretary to the Government of India, Ministry of Home Affairs, New Delhi).
2. The State of Gujarat (Notice to be served on the Additional Chief Secretary to the Government of Gujarat, Sachivalaya, Home Dept., Gandhinagar).
3. Shri Sukhdev Singh, IPS,
C/o.Director General & Inspector General of Police, Gujarat State.
4. Shri P.N.Gohil, IPS,
C/o.Director General & Inspector General of Police, Gujarat State.
5. Shri D.D.Tuteja, IPS,
C/o.Director General & Inspector General of Police, Gujarat State.
6. Shri D.K.Dhagal, IPS,
C/o.S.B.Police,
Nr.Sachivalaya, Gandhinagar.
7. Shri S.Kumar, IPS,
C/o.Director General & Inspector General of Police, Gujarat State.
8. Shri N.K.Bhandari, IPS,
C/o.Director General & Inspector General of Police, Gujarat State.
9. Shri P.L.Jani, IPS,
C/o.Director General & Inspector General of Police, Gujarat State.

...Respondents.

ORDER

R.A.NO. 24 OF 1993

in

O.A.NO.283 OF 1990.

(BY CIRCULATION)

Date : 07/10/1993.

Per : Hon'ble Mr.M.R.Kolhatkar : Member (A)

This is an application for review of our judgment

dated 11.6.1993.

Vide para-8 of our order, we consider^{ed} four issues
~~for~~ viz.,

1. Limitation.
2. Applicability of G.C.Nanda's case decided by
Cuttack Bench of C.A.T., on 31/1/1989 in
T.A./249/86.
3. Applicant's claim in terms of rule 6 A of
IPS (Recruitment) Rules, 1954.
4. Applicant's claim in terms of Rules-8 and 9
of IPS (Cadre) Rules 1954.

and held that in the light of our findings on the issues
the application is devoid of merit and hence dismissed.

2. The Review of this Tribunal's judgment is
governed by S.22 (3)(f) ^{of A.T.A. 1985} read with Rule 17 of C.A.T. Procedure
Rules, 1987. Section 22 referred ^{to} C.P.C. and hence
relevant provisions thereof may be quoted.

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- 1.(1) Any Person considering himself
aggrieved -
 - (a) by a decree or order from which
an appeal is allowed, but from which
no appeal has been preferred,
 - (b) by a decree or order from which
no appeal is allowed, or
 - (c) by a decision on a reference from a
Court of Small Causes, and who, from ~~x~~
the discovery of new and important
matter or evidence which, after the
exercise of due diligence, was not
within his knowledge or could not be
produced by him at the time when the

decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

4.(1) Where it appears to the Court that there is no sufficient ground for a review, it shall reject the application. Application where granted - (2) Where, the Court is of opinion that the application for review should be granted it shall grant the same : "

3. In para-1 to 5 of the Review Application the applicant has ^{merely} ~~reiterated~~ various contentions urged by him on his behalf in the Original Application. He has not indicated what errors apparent on the face of the Judgment are committedly this Tribunal nor what new material he has which necessitates review. There are only statements in para 4 and 5 of application that Tribunal has not touched on material, vital or impatent points of the case. It is stated that Tribunal's views on excess utlization of deputation reserve are not correct. All these points which may or may not be valid, are relevant for an appeal but not for review.

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4. We are of the view that no review is warranted.

Application for review is therefore, rejected.

R.C.M.
(R.C.Bhatt)
Member (J)
07.10.1993.

M.R.Kolhatkar
(M.R.Kolhatkar)
Member (A)
07.10.1993.

AIT

From:-

The Registrar,
Supreme Court of India
New Delhi.

D.NO. 674/94 /SEC. 1X
SUPREME COURT OF INDIA
NEW DELHI.

DATED:- 3.6.94
8/6

To

The Registrar,
Central Administrative Tribunal,
Ahmedabad Bench
Ahmedabad

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL/CRL.) NO. 8877 & 8879A
(Petition under Article 136(1) of the Constitution of India
from the Judgment and Order dated 11.6.93 / 7/10/93
of the High Court of Judicature at CAT Ahmedabad
Bench in OA No. 283/90 & RA No. 24/93

K. Kumaraswamy

...PETITIONER(S)

-VERSUS-

Union of India 2008.

...RESPONDENT(S)

Sir,

I am directed to inform you that the petition above
mentioned filed in the Supreme Court was dismissed
by the Court on 2/5/94.

OA D.O. on 11/6/93

RA D.O. on 7/10/93

Hon' R.C.B. J.M.
Hon' M.R.K. A.M.
as rejected.

Shown to Dever
on 21/6/94
S
21/6

Yours faithfully,

A. H. Hameed
For Registrar