

(31)

**IN THE CENTRAL ADMINISTRATIVE TRIAUNAL**  
**AHMEDABAD BENCH**

R.A. NO. 24 of 1993 in  
O.A. No. 283 of 1990.  
T.A. No.

DATE OF DECISION 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?

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/ four issues  
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) <sup>of C.A.T. Act 1985</sup> read with Rule 17 of C.A.T. Procedure  
Rules, 1987. Section 22 refers to C.P.C. and hence  
relevant provisions thereof may be quoted.

II

- 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 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 merely applicant has 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 committed by 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 utilization 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.

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

Application for review is therefore, rejected.

*R.C.Bhatt*  
( 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.

To

The Registrar,  
Central Administrative Tribunal,  
Ahmedabad Bench  
Ahmedabad

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

DATED:- 3.6.94  
8T

9/6

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL/CRL.) NO. 8879 & 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 CA No. 283/90 & RA No. 24/93

K. Kumarswamy

...PETITIONER(S)

-VERSUS-

Union of India & Ors.

...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 21/5/94.

OA D.O. on 11/6/93

Yours faithfully,

RA D.O. on 7/10/93

Hon' R.C.B, JM.  
Hon' M.R.C. A.M.  
as Rejected.

*Shown to [unclear]  
on 21/6/94.*  
S  
21/6

Afzineem  
For Registrar