

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

R.P. NO.: 15/2001 IN O.A. NO. 1091/99.

Dated this Thursday the 31st day of October, 2002.

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CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

Keroo Waloo Bhalerao ... Applicant

(By Advocate Shri J. M. Tanpure)

VERSUS

Union of India & Others ... Review Petitioner

(Ori. Respondents)

(By Advocate Shri V. S. Masurkar)

O R D E R

PER : Shri B. N. Bahadur, Member (A).

.....We are considering here Revision Petition (R.P.) No. 15/01. This Revision Petition has been filed on order made in O.A. No. 1091/99 on behalf of the Respondents in the O.A., namely - the Union of India through Divisional Personnel Officer, Mumbai C.S.T. & Others. The grounds taken in the Review Petition is that the judgement in the O.A. suffers from apparent and patent errors and omission of facts, as well as law. It is argued that the Tribunal granted a relief which is not prayed for in the O.A.; that the Applicant has not prayed for grant of temporary status. This, indeed, is the salient point made in R.P.

2. A reply has been filed on behalf of Original Applicant first taking the point that the Review Petition is not maintainable as there is no error apparent. The stand is taken

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that the main relief really granted by the Tribunal in its order is by way of direction to respondents to determine pension, etc. etc. The earlier paragraph is a reasoning as it were.

3. I have gone through the Revision Petition, the reply, the orders made in O.A. and all relevant papers carefully. I have also considered the arguments made by Learned Counsel, Shri J.M. Tanpure appearing for original Applicant and Learned Counsel, Shri V.S. Masurkar, who appeared for the Railways. It was argued on behalf of the Railways that relief provided is different from the relief sought. Various parts of the R.P. giving facts and taking stands were argued, for example, para 5, 6 and 7 of the R.P. The merit point was also taken that only substitutes get benefits and case law in the matter of Inderpal Yadav was cited.

4. Learned Counsel, Shri Tanpure, on the other hand, took the stand that there is no contradiction and that this is not a case of a relief different from that asked for being provided. He stressed that no error apparent on the face of record either on facts or on law was evident in the orders made in O.A. He also sought to meet the points taken in arguments by Shri Masurkar on certain aspects of facts and law.

5. On a careful consideration of the orders made in the case, it is clear that there is no contradiction. Similarly, it is not a case where the relief sought and relief provided are at variance. The issue is, indeed, connected and a careful

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consideration would show that the arguments made by Shri Tanpure are valid. It is not a case of an error apparent on the face of record either in fact or in law and hence, the R.P. cannot succeed. As regards the argument made on facts and law by Counsel for Railways, we cannot consider these, as the case cannot be reargued in an R.P. Well as the official Respondents may have a grievance against the reasonings in the order, their remedy would lie elsewhere and not in a Revision Petition. Under the circumstances, the Revision Petition No. 15/01 is hereby dismissed. No costs.

B. Bahadur

(B. N. BAHADUR)
MEMBER (A).

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