

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 1 MUMBAI

REVIEW APPLICATION NO. 55/2001
IN
ORIGINAL APPLICATION NO. 220/2001

THIS, THE ~~24~~ DAY OF SEPTEMBER, 2001

CORAM: SHRI JUSTICE ASHOK AGARWAL.
SMT. SHANTA SHASTRY.

CHAIRMAN
MEMBER (A)

Union of India through
Secretary, Ministry of
Information and Broadcasting,
Shastri Bhavan,
New Delhi-110 001.

Review Applicant

By Advocate Shri P.M. Pradhan.

Versus.

1. Bankim Kapadia,
working as Chief Producer,
Film Division, Ministry of
Information & Broadcasting,
24, Dr. Gopalrao Deshmukh Marg,
Mumbai-400 026.
2. The Secretary,
Union Public Service Commission,
Dolpur House,
New Delhi-110 001.

... Respondents

O R D E R

Smt. Shanta Shastri.

Member (A)

This review application is filed against the order dated 19.6.2001 in OA No.220/2001. While dismissing the OA for regularising the applicant in the post of Chief Producer, the Tribunal also directed that the applicant shall be permitted to continue in the post of Chief Producer till the selected candidate takes over.

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2. The review applicants have submitted that as a legal consequence, though the applicant ceases to hold the post of Chief Producer from 30.6.2001, legally he stands re^hported in the post of Joint Chief Producer which was held by him prior to his appointment to the post of Chief Producer on contract basis. Since the applicant has no legal right to be regularised in the post of Chief Producer, he is not entitled to continue in the post of Chief Producer. This is an error of law apparent on the face of record and requires to be corrected by review.


3. According the review applicants i.e. the respondents in the Original Application, the aforesaid relief was granted only on the oral plea when the final order came to be known. The original applicant sought such relief on the ground not in the OA.

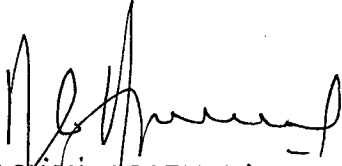
4. The review applicant has prayed to cancel the direction given earlier and to permit the review applicants to make appropriate arrangements in regard to the post of Chief Producer. The costs have also been prayed for.

5. The review application has been filed after the period of one month of the passing of the order. M.P. for condonation of 16 days delay has therefore, been filed along with the review application. The reasons given are due to administrative procedure and reasons.

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6. This order was dictated in the open court. It was open to the review applicants to raise the point at the relevant time. According to us, there is no error apparent on the face of the record. Further, even if conclusions arrived at are taken to be wrong that by itself cannot be a ground for review. It has also been held in V. Rajaiah Vs. Union Public Service Commission reported in (1991) 18 ATC 239 (Hyd) that relief can be moulded by the Tribunal in the interest of justice (1989 (5) SLR 579). In view of this, we hold that no review is called for and accordingly the review application is rejected. MP also stands disposed of.


(SHANTA SHASTRY)
MEMBER (A)


(ASHOK AGARWAL)
CHAIRMAN

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