

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 29TH DAY OF JUNE, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

REVIEW APPLICATION NO. 33/86

Shri M.P. Jahagirdar,
Senior Clerk, District Electrical
Engineer's Office (Workshops),
South Central Railway,
Hubli.

.... Applicant

(Shri Suresh S. Joshi, Advocate)

v.

1. The Divisional Personnel Officer,
South Central Railway,
Hubli.

2. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad (A.P).

(3) S.S.Kelasangad,
major, Retd. Head
Clerk, Near Railway
Quarters, Keshavapur
Hubli-23.

4. Shri A.J. Joshi,
Senior Clerk, Train Lighting
Workshops, South Central Railway,
Hubli.

.... Respondents.

(Shri M. Sreerangaiah, Advocate)

This application having come up for hearing to-day,
Vice-Chairman made the following:

O R D E R

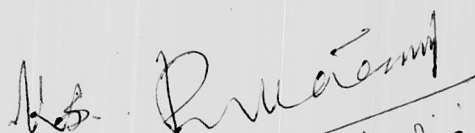
In this application made under Section 22(3) (f) of
the Administrative Tribunals Act, 1985 ('Act'), the
applicant has sought for review of the order made by this
Tribunal on 24.10.1986 dismissing his A. No. 207/86.
In A.No. 207/86, which was a transferred application
received from the High Court of Karnataka under Section 29

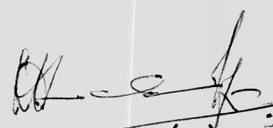
of the Act, the applicant had challenged the higher seniority accorded to respondents 3 and 4 from 1964. The Division Bench rejected the same on grounds of delay and laches.

2. Shri Suresh S. Joshi, learned counsel for the applicant contends that the reasoning and conclusion reached ignoring the order dated 3.10.1979 (Annexure-K) constitutes a patent error, and the same justifies a review.

3. We find that the Tribunal on a close examination of the claim had rejected the same on grounds of delay and laches. In reaching this conclusion, the Tribunal had not ignored the earlier orders, much less the order dated 3.10.1979 (Annexure-K). If that is so, then the very ground urged by the applicant does not constitute a patent error to justify a review. Even otherwise we are of the view that the applicant is really asking us to re-examine the order made by this Tribunal as if we are a court of appeal and come to a different conclusion, which cannot be done in a review.

4. On the foregoing discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.


Vice-Chairman
29/6/87


Member (A) 29.6.87

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

REVIEW APPLICATION No. 33/86

IN APPLICATION NO. 207/86(T)

(WP.NO.)

COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

DATED:

APPLICANT

Vs

RESPONDENTS

Shri M.P. Jahagirdar

TO

The Divisional Personnel Officer
SC Railway, Hubli & 3 Ors

1. Shri M.P. Jahagirdar
Senior Clerk
District Electrical Engineer's Office
(Workshops)
South Central Railway
Hubli
2. Shri Suresh S. Joshi
Advocate
15, 3rd Cross
Nehru Nagar
Bangalore
3. The Divisional Personnel Officer
South Central Railway
Hubli
4. The General Manager
South Central Railway
Rail Nilayam
Secunderabad (A.P.)

5. Shri S.S. Kalasengad
Retired Head Clerk
South Central Railway, Hubli
Near Railway Quarters
Keshavapur, Hubli - 23
6. Shri A.J. Joshi
Senior Clerk
Train Lighting Workshop
South Central Railway
Hubli
7. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Buildings, 10th Cross
Cybbonpet Main Road
Bangalore - 560 002

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 33/86

REVIEW

....

Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on

29-6-87.

Received copy
M. S. Joshi
Advocate 9/7

ENCL: As above.

for
DEPUTY REGISTRAR
(JUDICIAL)

9/c

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 29TH DAY OF JUNE, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
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REVIEW APPLICATION NO. 33/86

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ORDER

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[Signature]
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

[Signature]
Vice-Chairman

[Signature]
Member (A)

29/6/57