

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THE 31ST DAY OF OCTOBER, 1986

Application No.420 of 1986(T)
(U.P.NO.19480 of 1979)

Present

The Hon'ble Shri Ch. Ramakrishna Rao : Member (Judl.)
The Hon'ble Shri L.H.A. Rego : Member (AM)

Shri L.N. Yadav,
Chargeman Grade II,
Gas Turbine Research
Establishment,
Bangalore-560017.

.... Applicant

(Shri R.S. Hegde, Advocate)

1. Union of India
represented by the
Secretary to the Govt.
of India in the Defence
Ministry, South Block,
New Delhi.
2. The Scientific Adviser
to the Raksha Mantri and
Director General of Research
and Development, R&D Organisation,
Ministry of Defence,
New Delhi-110011.
3. The Director,
Gas Turbine Research
Establishment,
Bangalore-560017.
4. Shri P.G. Sarkar,
Assistant Foreman,
Gas Turbine Research
Establishment,
Bangalore-560017.

Respondents

(Shri M.S. Padmarajaiah, Advocate)

This case came up for hearing before Court-II
on 31.10.1986. Shri L.H.A. Rego, Member (AM)(R) made
the following:

O R D E R

This is a Writ Petition filed in the High Court of
Judicature, Karnataka in 1979 under Article 226 of the

.../-

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 10-7-67

Review Application No. 31 / 86()
in Application No. 420/86(T)
W.P. No /

- Applicant

Shri L.N. Yadav

V/s The Secy, M/o Defence & 3 Ors

To

1. Shri L.N. Yadav
Chargeman Grade- I
Gas Turbine Research Establishment (GTRE)
Bangalore - 560 075
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050
3. The Secretary
Ministry of Defence
South Block
New Delhi - 110 11
4. The Scientific Adviser to Raksha
Mantri & Director General of
Research & Development Ofgn.
Ministry of Defence
South Block, New Delhi - 110 011
5. The Director
Gas Turbine Research Establishment
(GTRE)
Bangalore - 560 075
6. Shri P.G. Sarkar
Foreman
Gas Turbine Research Establishment
(GTRE)
Bangalore - 560 075
7. Shri M.S. Padmarajaiah
Senior Central Govt. Stng Counsel

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN High Court Bldg, 8'lore - 1
REVIEW APPLICATION NO. 31/86

Please find enclosed herewith the copy of the Order/~~Interim Order~~
passed by this Tribunal in the above said Application on 26-6-87

Encl : as above.

SECTION OFFICER
(JUDICIAL)

Balu*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGLORE

DATED THIS THE 26th DAY OF JUNE, 1987

Present : Hon'ble Justice Sri K.S.Puttaswamy Vice-Chairman

Hon'ble Sri L.H.A.Rego

Member

REVIEW APPLICATION No.31/86

L.N.Yadav,
Chargeman Gr.I,
Gas Turbine Research Establishment,
Bangalore - 75. ...

Applicant

(Sri R.S.Hegde ... Advocate)

Vs.

1. The Union of India,
represented by the Secretary
to the Government, in the Ministry of
Defence, South Block,
New Delhi - 11.

2. The Scientific Advisor to
Raksha Manthri and
Director General of
Research & Development Orgn.,
M/O Defence, South Block,
New Delhi - 11.

3. The Director,
Gas Turbine Research Establishment,
Bangalore - 75.

4. Sri P.G.Sarkar, Foreman,
Gas Turbine Research Establishment,
Bangalore - 75. ...

Respondents

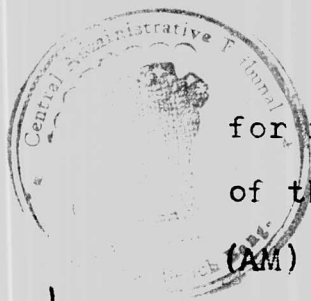
(Sri M.S.Padmarajaiah ... Advocate)

This Review Application has come up before
the court today. Hon'ble Justice Sri K.S.Puttaswamy,
Vice-Chairman made the following :

O R D E R

On I.A. No.1 -APPLICATION FOR RE-CALLING

In I.A.No. 1, the applicant has sought
for recalling the order made by a Division Bench
of this Tribunal consisting of one of us Sri L.H.A.Rego
(AM) and Sri Ch. Ramakrishna Rao, Member (J) made
on 6.1.87, rejecting his Review Application on



merits, however noticing his absence and his learned counsel. In IA No.1 the applicant has asserted that the hearing date of the Review Application was not notified to him and his learned counsel. On verification of the records we find that this assertion of the applicant is correct. If that is so, then this Tribunal could not have rejected his application on 6.1.87. We, therefore, allow I.A. No.1, recall the order made on 6.1.1987 and restore the Review application to its original file. We have then heard Shri M.R. Achar, learned counsel for the applicant on the review application.

2. Shri Achar contends that the Tribunal had not properly considered the confirmation of the applicant as Chargeman Grade 2 from 17.2.1973, had committed patent error and the same justifies a review under Section 22(3) (f) of the Administrative Tribunals Act, 1985 (Act).

3. Shri M.S. Padmarajaiah, learned counsel for Respondents 1 to 3 opposes the review.

4. In the main application viz.A.No.420/86 which was a transferred application from the High Court of Karnataka, the applicant's grievance was against the promotion accorded to one Shri P.G. Sarkar, who was arrayed as Respondent 4 and the denial of that promotion to him from 26.10.1973. On a close examination of that grievance, this Tribunal speaking through one of us (Hon'ble Shri L.H.A. Rego, Member (A)) rejected the same for more than one reason and made certain observations on another grievance of the applicant with reference to one Shri Dahia. In dealing with the grievances of the applicant, this

Tribunal also took note of the fact that he had been confirmed as Chargeman Grade 2 with effect from 17.2.1973. The fact of confirmation of the applicant, even assuming that was relevant, has not been ignored by this Tribunal. If that is so, then we cannot re-examine the same in a review, as if we are a court of appeal and come to a different conclusion. On this view, this ground urged by Shri Achar is liable to be rejected.

5. We have noted the prayers made by the applicant in his transferred application. But somewhat curiously the prayer made in the review application reads thus :-

" The Hon'ble Tribunal is prayed to be pleased to grant the applicant seniority over Shri R.G. Sarkar with effect from 6.11.1961 with all consequential benefits such as arrears of salary, promotions as was granted to my junior Shri P.G.Sarkar"

We need hardly say that the prayer made is totally different to the prayer made in the transferred application. A new prayer made in a review application can never be a ground for review of an order made in the main application whether it is a transferred application or an application made under Section 19 of the Act. On this ground also, this Review Application is liable to be rejected.

6. We have carefully read the order made by this Tribunal. We find that the order had examined every one of the grievances made by the applicant in his application and had rejected them for more than one reason. We cannot examine that order as if we are a court of appeal and come to a different conclusion either on the grounds that were urged earlier or

urged now before us. We do not find any patent error in the order made by this Tribunal to justify a review of that order.

7. On the foregoing discussion we hold that the Review Application (No.31/87) is liable to be dismissed. We, therefore, dismiss this Review Application. But in the circumstances of the case, we direct the parties to bear their own costs.

Shree
Sd _____
Vice-Chairman

Sd _____
Member (A)

26687.

BSV/AN

← "True copy"

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SECTION OFFICER
GENERAL ADMINISTRATION PERSONAL
ADDITIONAL DEPUTY
BANGALORE