

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 :-

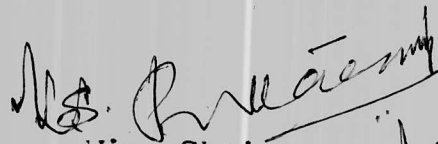
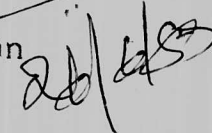
" The Hon'ble Tribunal is prayed to be pleased to grant the applicant seniority over Shri R.G. Sarkar with effect from 6.11.1961 with all consequential benefits such as arrears of salary, promotions as was granted to my junior Shri P.G.Sarkar"

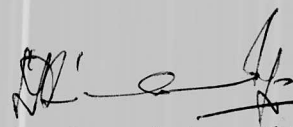
We need hardly say that the prayer made is totally different to the prayer made in the transferred application. A new prayer made in a review application can never be a ground for review of an order made in the main application whether it is a transferred application or an application made under Section 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.

  
Vice-Chairman 

  
Member (A) 26.6.87.

BSV/AN