

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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BY REGISTERED POST

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

Date: 29.12.87

REVIEW APPLICATION NOS. 120, 122 TO 157/1987

Applicants

Indian National NGO's Association  
of Army Electronics <sup>by its Chairman</sup> V/s  
& 36 ors.

Respondents

The Secy, M/o Defence & 18 Ors.

To

1. Indian National NGO's Association of Army Electronics Inspection, C/o CIL, JC Nagar PO., Bangalore by its Chairman, Ramamurthy.
2. Shri M.Nanjunda Sharma, Assistant Foreman, Inspectorate of Electronics, JC Nagar PO., Bangalore-560 006.
3. Shri SNS Peerzada, Assistant Foreman, Controllerate of Inspection Radar, JC Nagar PO., Bangalore-560 006.
4. Naresh Kumar Bali, Assistant Foreman, Controllerate of Inspection, (Power Systems) JC Nagar PO., Bangalore-560 006.
5. Smt. K.Janaki, Assistant Foreman, Controllerate of Inspection(Radar), JC Nagar PO., Bangalore-560 006.
6. Shri HR Shanthaveeraiah, Assistant Foreman, Controllerate of Inspection(Radar) JC Nagar PO., Bangalore-560 006.
7. Shri V.M.Radhakrishnan, Assistant Foreman, Controllerate of Inspection Electronics, JC Nagar PO., Bangalore-560 006.
8. Shri SNS Setty, Assistant Foreman, Controllerate of Inspection (Power Systems) JC Nagar PO., Bangalore-560 006.
9. Shri V.Narayana Reddy, Assistant Foreman, Controllerate of Inspection Electronics, JC Nagar PO., Bangalore-560 006.
10. Shri GS Issac, Assistant Foreman, Controllerate of Inspection Electronics, JC Nagar PO., Bangalore-560 006.
11. Shri VPP Naidu, Assistant Foreman, Controllerate of Inspection (Power Systems), JC Nagar PO., Bangalore-560 006.
12. Shri G.K.Devegowda, Assistant Foreman, Controllerate of Inspection (Power Systems) JC Nagar PO., Bangalore-560 006.

Copy to:-

A. Nos. 380, 530 533 to 628/87(F)

...2/-

13. Shri KRS Murthy,  
~~Chargeman Grade-I, AIF~~  
Controllerate of Inspection  
Electronics, JC Nagar PO.,  
Bangalore-560 006.
14. Shri B.Viswanath,  
~~Chargeman Grade-I, AIF~~  
Controllerate of Inspection  
Electronics, JC Nagar PO.,  
Bangalore-560 006.
15. Shri KRS Aradhya,  
~~Chargeman Grade-I, AIF~~  
Controllerate of Inspection,  
Electronics, JC Nagar PO.,  
Bangalore-560 006.
16. Shri NV Ravikumar,  
~~Chargeman Grade-I, AIF, CIR~~  
Inspectorate of Electronics,  
JC Nagar PO., Bangalore-6.
17. Shri L.V.Bhimesh,  
~~Chargeman Grade-I, AIF~~  
Controllerate of Inspection  
Electronics, JC Nagar PO.,  
Bangalore-560 006.
18. Shri V.Sathyanarayana,  
~~Chargeman Grade-I, AIF~~  
Inspectorate of Electronics,  
JC Nagar PO., Bangalore-6.
19. Shri P.P.Chakrapani,  
~~Chargeman Grade-I, AIF~~  
Controllerate of Inspection  
(Radar), JC Nagar PO.,  
Bangalore-560006.
20. Shri SA Narayana  
~~Chargeman Grade-I, AIF~~  
Controllerate of Inspection,  
(Power Systems) JC Nagar PO.,  
Bangalore-560 006.
21. Shri K.Venkatarao,  
Chargeman Grade-I,  
Controllerate of Inspection,  
JC Nagar PO, Bangalore-6.
22. Shri T.Muniswamy Setty,  
Chargeman Grade-I,  
Controllerate of Inspection  
Electronics, JC Nagar PO.,  
Bangalore-560006.
23. Shri Chinnappa Reddy,  
Chargeman Grade-I,  
Controllerate of Inspection Electronics  
JC Nagar PO., Bangalore-560 006.
24. Shri S.Natarajan,  
Chargeman Grade-I,  
Inspectorate of Electronics,  
JC Nagar PO., Bangalore-560 006.
25. Shri TM Narayana Murthy,  
Chargeman Grade-I,  
Controllerate of Inspection,  
JC Nagar PO., Bangalore-560 006.
26. Shri H.Panduranga Rao,  
Chargeman Grade-I,  
Controllerate of Inspection Electronics,  
JC Nagar PO, Bangalore-560 006.
27. Shri G.R.Bali,  
Chargeman Grade-I,  
Controllerate of Inspection Electronics,  
JC Nagar PO., Bangalore-560 006.
28. Shri R.K.Roy,  
Chargeman Grade-I,  
Controllerate of Inspection, Electronics,  
JC Nagar, PB, Bangalore-560006.
29. Shri RT Anantharamu,  
Chargeman Grade-I,  
Controllerate of Inspection,  
(Power Systems),  
JC Nagar PO., Bangalore-560006.
30. Shri G.Narayanaswamy,  
Chargeman Grade-I,  
Controllerate of Inspection,  
(Power Systems),  
JC Nagar PO, Bangalore-560 006.
31. Shri N.Chakraborty,  
Chargeman Grade-I,  
Controllerate of Inspection,  
(Power Systems),  
JC Nagar PO, Bangalore-560006.
32. Shri SR Hiriyanniah,  
Chargeman Grade-I,  
Inspectorate of Electronics,  
JC Nagar PO., Bangalore-560 006.

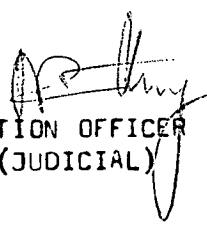
33. Shri GP.Bagali,  
Chargeman Grade-I,  
Inspectorate of Electronics,  
JC Nagar PO, Bangalore-6.
34. Shri Alex Joseph,  
Chargeman Grade-I,  
Inspectorate of Electronics,  
JC Nagar PO., Bangalore-6.
35. Shri DSN Prasad,  
Chargeman Grade-I,  
Controllerate of Inspection,  
Electronics,  
JC Nagar PO Bangalore-6.
36. Shri K.Ramadas,  
Chargeman Grade-I,  
Inspectorate of Electronics,  
JC Nagar PO, Bangalore-6.
37. Shri TL Ramamurthy,  
Chargeman Grade-I,  
Controllerate of Inspection,  
Electronics, JC Nagar PO.,  
Bangalore-560 006.
38. The Secretary,  
Ministry of Defence,  
New Delhi-110 001.
39. The Director General of  
Inspection (DGI)  
Departement of Defence Production  
Ministry of Defence,  
Room No.234, South Block,  
DHQ PO, New Delhi-110 001.
40. The Controller,  
Controllerate of Inspection,  
Electronics,  
JC Nagar PO.,  
Bangalore-560 006.
41. Shri K.Shankaran,  
A/F, I of L,  
C/o CGF, Jabalpur-482 011,  
Madhya Pradesh.
42. Shri N.Srinivasamurthy,  
Assistant Foreman,  
Controllerate of Inspection,  
~~(Special Vehicles) 7 Dth.~~  
~~Ministry of Defence (DGI)~~  
~~Dehu Road,~~  
~~Pune-412 113.~~ Bangalore-6.
43. Shri Sadalghree,  
Assistant Foreman,  
Inspectorate of Electronics,  
Vikhroli,  
Bombay-400083.
44. Shri BS Ravi Prasad,  
Assistant Foreman,  
'T' Division,  
CIL, Bangalore-560 006.
45. Shri Joesph Secuiria,  
Assistant Foreman,  
Controllerate of Inspection  
(Radar),  
Bangalore-560 006.
46. Shri C.Veerarswamy  
Assistant Foreman,  
Inspectorate of Electronics,  
Madras-600 014.
47. Shri SK Saxena,  
Assistant Foreman,  
CIS Wing,  
Chandigarh-160 002.
48. Shri T.K.Bose,  
Assistant Foreman,  
Inspectorate of Electronics,  
Calcutta-700 022.
49. Shri K.Nagendra,  
Assistant Foreman,  
CIP, Bangalore-560 006.
50. Shri K.Krishna Rao,  
Assistant Foreman,  
CIS, Secunderabad-500 015.
51. Kum R. Rajalakshmi,  
Scientist,  
ETDC, Bangalore-560 056.
52. Smt. Lalitha Ramakrishna,  
Chargeman Grade-I,  
'C' Division,  
CIL, Bangalore-560 006.
53. Shri R.M.Mukherji,  
Chargeman Grade-I,  
Inspectorate of Electronics,  
Calcutta-700 022.

54. Shri M.L.Labru,  
Chargeman Grade-I,  
~~Inspectorate of Electronics,~~  
CIP, Bangalore-560 006.
55. Shri R.K.Neema,  
Chargeman Grade-I,  
Inspectorate of Electronics,  
Bombay-400 083.
56. Shri KN Ramachandra Rao,  
Chargeman Grade-I  
CIL, Bangalore-560 006.
57. Shri MS Padmarajaiah,  
Central Govt. Standing Counsel,  
High Court Buildings,  
Bangalore-560 006.
58. Dr. M.S.Nagaraja, Advocate,  
No.35, (Above Hotel Swagath),  
1st Main Road, Gandhinagar,  
Bangalore-560 009.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith <sup>a</sup> ~~the~~ copy of the Order passed by this  
Tribunal in the above said application on 14-12-87.

Encl: As above.

  
SECTION OFFICER  
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 14TH DAY OF DECEMBER, 1987

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

REVIEW APPLICATION NOS. 120, 122 TO 157/1987

1. INDIAN NATIONAL NGOS Association of Army Electronics Inspection, C/o CIL JC Nagar PO, Bangalore-6 represents on behalf of 36 undermentioned persons names by its Chairman K. Ramanujam ... Applicant in A.No.120/87.
2. M. Nanjunda Sharms, A/F I of L JC Nagar PO, Bangalore. ... Applicant in A.No.122/87.
3. SNS Peerzada, A/F, CIR J.C. Nagar, Bangalore. ... Applicant in A.No.123/87.
4. Naresh Kumar Bali, A/F, CIP JC Nagar, Bangalore. ... Applicant in A.No.124/87.
5. K. Janaki, A/F, CIR, JC Nagar, Bangalore. .... Applicant in A.No.125/87.
6. HR Shanthaveeriah, A/F, CIR JC Nagar, Bangalore. ... Applicant in A.No.126/87.
7. VM Radhakrishnan, A/F, CIL JC Nagar, Bangalore. ... Applicant in A.No.127/87.
8. SNS Shetty, A/F, CIP, JC Nagar, Bangalore. ... Applicant in A.No.128/87.
9. V. Narayana Reddy, A/F, CIL, JC Nagar, Bangalore. ... Applicant in A.No.129/87.
10. GS Issac, A/F, CIL, JC Nagar, Bangalore. ... Applicant in A.No.130/87.
11. VPP Naidu, A/F, CIL, JC Nagar, Bangalore. ... Applicant in A.No.131/87.
12. GK Devegowda, A/F, CIP JC Nagar, Bangalore. ... Applicant in A.No.132/87.
13. KRS Murthy, A/F, CIL, JC Nagar, Bangalore. ... Applicant in A.No.133/87.
14. B. Viswanath, A/F, CIL, JC Nagar, Bangalore. ... Applicant in A.No.134/87.
15. KRS Aradhya, A/F, I of L JC Nagar, Bangalore. ... Applicant in A.No.135/87.

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|--|----------------------------------|
| 16. NV Ravikumar, A/F, CIR<br>JC Nagar, Bangalore.         | ... Applicant in<br>A.No.136/87. |
| 17. LV Bhimesh, A/F, CIL,<br>JC Nagar, Bangalore.          | ... Applicant in<br>A.No.137/87. |
| 18. V. Sathyanarayana, A/F, I of L<br>JC Nagar, Bangalore. | ... Applicant in<br>A.No.138/87. |
| 19. PR Chakrapani, A/F, I of L,<br>JC Nagar, Bangalore.    | ... Applicant in<br>A.No.139/87. |
| 20. SA Narayan, A/F, CIL,<br>JC Nagar, Bangalore.          | ... Applicant in<br>A.No.140/87. |
| 21. K Venkatarao, C/M I, CIR,<br>JC Nagar, Bangalore.      | ... Applicant in<br>A.No.141/87. |
| 22. T. Muniswamy Setty, C/M I, CIL<br>JC Nagar, Bangalore. | ... Applicant in<br>A.No.142/87. |
| 23. Chinnappa Reddy, C/M, I, CIL<br>JC Nagar, Bangalore.   | ... Applicant in<br>A.No.143/87. |
| 24. S. Natarajan, C/M I, I of L<br>JC Nagar, Bangalore.    | ... Applicant in<br>A.No.144/87. |
| 25. TN Narayanamurthy, C/M I, CIR<br>JC Nagar, Bangalore.  | ... Applicant in<br>A.No.145/87. |
| 26. H. Pandurangarao, C/M I, CIL,<br>JC Nagar, Bangalore.  | ... Applicant in<br>A.No.146/87. |
| 27. GR Bali, C/M, I, CIL<br>JC Nagar, Bangalore.           | ... Applicant in<br>A.No.147/87. |
| 28. RK Roy, C/M I, CIL<br>JC Nagar, Bangalore.             | ... Applicant in<br>A.No.148/87. |
| 29. RT Anantaramu, C/M, I, CIP,<br>JC Nagar, Bangalore.    | ... Applicant in<br>A.No.149/87. |
| 30. G. Narayanaswamy, C/M I, CIP<br>JC Nagar, Bangalore.   | ... Applicant in<br>A.No.150/87. |
| 31. N. Chakraborty, C/M I, CIR<br>JC Nagar, Bangalore.     | ... Applicant in<br>A.No.151/87. |
| 32. SR Hiriyannaiah, C/M I, I of L<br>JC Nagar, Bangalore. | ... Applicant in<br>A.No.152/87. |
| 33. GP Bagali, C/M I, I of L<br>JC Nagar, Bangalore.       | ... Applicant in<br>A.No.153/87. |
| 34. Alex Joseph, C/M I, I of L<br>JC Nagar, Bangalore.     | ... Applicant in<br>A.No.154/87. |
| 35. DSN Prasad, C/M I, CIL<br>JC Nagar, Bangalore.         | ... Applicant in<br>A.No.155/87. |

or appointments should be the sole criteria for determining the seniority between promotees and direct recruits which was resisted by the Union of India and other respondents. We heard them on 19th and 20th October, 1987, and that immediately on the conclusion of arguments, we dictated our orders in Court dismissing them, holding that there was no complete break down in the quota rota rule and the small short falls in making direct recruitments, which was to the advantage of the promotees only, did not justify our interference. Our order made on 20-10-1987 in the cases was communicated to all the parties on 13-11-1987.

4. On 23-11-1987 the applicants have presented these applications for review under the Act principally on the ground that the Madras Bench of this Tribunal in O.A.No.731/86 (G.K.VAIDYANATHAN v. UNION OF INDIA AND OTHERS decided on 30-10-1987)(Annexure-B) had held differently on the very question accepting a contrary stand urged by the Union of India therein.

5. Rule 17(3) of the Central Administrative Procedure Rules ('Rules') provides a period of 30 days for making an application for review from the date of the order. On the terms of that rule these applications made on 23-11-1987 are out of time and there is a small delay of 4 days. In I.A.No.I the applicants have sought for condonation of the same.

6. Dr.Nagaraja, learned counsel for the applicants

contends that the applicants bona fide believed that the period of 30 days should be computed from the date of receipt of the order and not from the date of the order and have filed these applications belatedly on that basis and the same constitutes a sufficient ground for condonation.

7. Sri M.S.Padmarajaiah, senior Central Government Standing Counsel who had taken notice for respondents 1 to 3 at our direction opposes I.A.No.I.

8. When the applicants state that they were under a wrong impression that the period of 30 days had to be computed from the date of receipt of the order and not from the date of the order, we should normally accept the same. If that is so, then we should also hold that the same constitutes a sufficient ground to condone the short delay of 4 days. We, therefore, allow I.A.No.I and condone the delay in filing the applications.

9. Dr.Nagaraja contends that the applicants become aware of the diametrically contrary stand urged by the Union of India and its acceptance by the Madras Bench in G.K.VAIDYANATHAN's and that the same constitutes discovery of a new and important matter or evidence which after due diligence was not within their knowledge and was also a patent error to justify a review under Section 23(3)(f) of the Act read with Order 47 Rule 1 of the Code of Civil Procedure.

10. When we heard and decided the cases, Vaidyana-



36. K. Ramadas, C/M I, I of L,  
JC Nagar, Bangalore.

... Applicant in  
A.No.156/87.

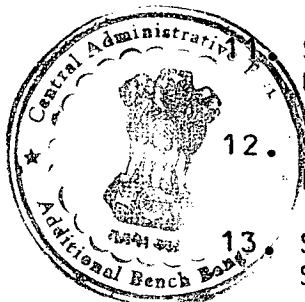
37. TL Ramamurthy, C/M I, CIL,  
JC Nagar, Bangalore.

... Applicant in  
A.No.157/87.

(Dr. M.S. Nagaraja, Advocate)

v.

1. Union of India  
represented by the Secretary  
to the Ministry of Defence,  
New Delhi.
2. The Director General of  
Inspection, Department of  
Defence Production,  
Ministry of Defence (DGI),  
Room No.234, South Block,  
Secretariat, DHQ PO,  
New Delhi.
3. The Controller,  
C.I.L. JC Nagar,  
Bangalore.
4. Shri K. Shankaran, A/F, I of L  
C/o CGF, Jabalpur.
5. Shri N. Srinivasamurthy, A/F  
'X' Divn. CIL, Bangalore.
6. Shri Sadalghae, A/F, I of L,  
Vikhroli, Bombay.
7. Shri B.S. Ravi Prasad, A/F  
'T' Division, CIL, Bangalore.
8. Shri Joseph Sequirre, A/F,  
CIR, Bangalore.
9. Shri C. Veeraswamy, A/F,  
I of L, Madras.
10. Shri S.K. Saxena, A/F CIS Wing,  
Chandigarh.
- Shri T.K. Bose, A/F, I of L  
Calcutta.
12. Shri K. Nagendra, A/F, CIP  
Bangalore.
13. Shri K. Krishna Rao, A/F, CIS  
Secunderabad.
14. Kum. R. Rajalakshmi, Scientist  
ETDC, Bangalore.



15. Smt. Lalitha Ramakrishna,  
C/M-I, "C" Division, CIL,  
Bangalore.
16. Shri R.M. Mukherji, C/M-I,  
I of L, Calcutta.
17. Shri M.L. Labru, C/M, CIP  
Bangalore.
18. Shri R.K. Neema, C/M-I,  
I of L, Bombay.
19. Shri K.N. Ramachandra Rao,  
CM-I, CIL, Bangalore.

... Respondents.

( Shri M.S. Padmarajaiah, CGSSC)

These applications having come up for hearing to-day,  
Vice-Chairman made the following:

O R D E R

These applications are made by the applicants under  
Section 22(3)(f) of the Administrative Tribunals Act,  
1985 ('the Act') and they seek for a review of our order  
made on 20.10.1987, dismissing their Applications Nos.  
380, 593 to 628 of 1987 (F) made under Section 19 of the  
Act.

2. Applicants in A.Nos. 122 to 157 of 1987 who were  
the applicants in A.Nos. 593 to 628 of 1987, whom we  
will hereafter refer to as the applicants, were promotee  
Chargemen Grade-I (CG-I) and that respondents 4 to 19  
herein were direct recruits to the said cadre.

3. In their original applications, the applicants had  
challenged the seniority list of 1982 in the cadre of  
CG-I principally on the ground that there was a complete  
breakdown of the quota-rota rule provided by Government  
and that in such a situation, the dates of promotions or

than's case was pending before the Madras Bench and the arguments before us proceeded without reference to the same.

11. On a detailed examination of the contentions urged before us, which necessarily meant reference to pleadings, records, and the law bearing on them, we have reached our conclusions. We do not claim that what we have decided is correct or what has been decided by the Madras Bench is wrong. We are not also competent to say that.

12. We are of the view that the contrary stand, if any, urged in Vaidyanathan's case or its acceptance thereof by the Madras Bench, on any principle will not constitute discovery of a new and important matter or evidence which with exercise of due diligence was not within the knowledge of the parties to justify ~~or~~ review on that ground. We are also of the view that what was not even pleaded and naturally not considered when the order was passed, can never constitute a patent error to justify a reivew on that ground also.

13. The explanation added to Order 47 Rule 1 of the Code of Civil Procedure Amendment Act, 1976 from 16-2-1977 now expressly provides that a judgment of a superior court taking a contrary view or even declaring the law differently cannot constitute a ground for reveiw. A fortiori the contrary view, if any urged and accepted in Vaidyanathan's case cannot be a ground for review at all.

14. Dr. Nagaraja relies on the explanation to

Section 141 of the Code of Civil Procedure and contends that the two grounds formulated by him constitutes grounds for review.

15. We are of the view that Section 141 or the explanation to that Section have no relevance at all to decide whether the order made by us justifies a review on either of the grounds urged before us. We, see no merit in this contention of Dr.Nagaraja either.

16. Whether the two orders made by two Benches have really created irreconcilable conflicts and incongruities for one and all and how it had to be resolved is also a matter on which we are not competent to say anything and we refrain to say anything on them. But, all of them, do not constitute grounds for review.

17. In the light of our above discussion, we hold that these review applications are liable to be rejected. We, therefore, reject them. But, in the circumstances of the cases, we direct the parties to bear their own costs.

Sd —  
VICE-CHAIRMAN 14/12/87

Sd —  
MEMBER(A). 14/12/87



- True Copy -

29/12/87  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE