

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 7TH DAY OF SEPTEMBER, 1987.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And

Hon'ble Mr. L.H.A. Rego,

.. Member(A).

REVIEW APPLICATION NUMBER 95 OF 1987

1. The Director of Apprenticeship
Training, Ministry of Labour and Rehabilitation,
New Delhi.
2. The Director,
Foremen Training Institute,
Bangalore.
3. Deputy Director of Regional Vocational
Training Institute, Hosur Road,
Bangalore.

.. Applicants.

(By Sri M.V. Rao, Standing Counsel)

v.

S. Sethuraman,
C/o M. Raghavendra Achar,
Advocate, No. 1074 & 1075,
Banashankar Nagar II Phase,
Bangalore.

.. Respondent.

(By Sri M.R. Achar, Advocate).

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This application coming on for hearing this day, Hon'ble 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 ('the Act') the applicants who were respondents in A.No. 1718 of 1986, have sought for a review of an order made in favour of the respondent herein who was the applicant.

2. On a detailed examination of the claim made by the respondent a Division Bench of this Tribunal consisting of one of us Shri L.H.A. Rego, Member(A) and Shri Ch. Ramakrishna Rao, Member(J)

had accepted the same and issued appropriate directions in that behalf.

3. In the review application, the applicants have inter alia urged that there was no common gradation list on All India basis in the cadre of Office Superintendents in which the name of the respondent is found; that the order made by this Tribunal was incapable of implementation and, therefore, the same calls for a review.


4. Sri M.Vasudeva Rao, learned counsel for the applicants in highlighting the grounds, urges for review of the order in A.No.1713 of 1936.

5. Shri M.Raghavendra Achar, learned counsel for the respondent contends that every one of the facts stated by the applicants were factually incorrect and even otherwise, the order made which was clear and capable of implementation does not call for a review.

6. On the claims made in the ^{re-}view application, the parties are at variance.

7. We will even assume that the facts stated by the applicants are true and correct. But, then also all of them should have been pleaded as factors to deny the relief sought by the respondent in his application. When the applicants did plead them at the hearing of the case, they cannot now be permitted to urge them as grounds for a review.

8. We are also of the view that the order made by this Tribunal does not disclose any patent error to justify a review. We are also of the view that every one of the factors stated by the applicants, do not fall within the meaning of the terms that there was discovery of a new and important matter or evidence which after the exercise of due diligence, was not within their knowledge or could not be



be produced by them at the time when the order was made by this Tribunal and does not justify a review on that ground also.

9. When we proposed to make our final order dismissing the review application Sri Rao prays for time till 31-12-1987 to implement the order if the same is not challenged in a Special Leave Petition before the Supreme Court under Article 136 of the Constitution. Sri Achar rightly does not oppose grant of time. We consider it proper to grant this request of Sri Rao.

10. In the light of our above discussion, we make the following orders and directions:

1. We dismiss this review application.
2. We grant time to the applicants - respondents in A.No.1718 of 1986 till 31-12-1987 to implement the order of this Tribunal in the said case.

11. Application is disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.

[Signature]
VICE-CHAIRMAN 7/12/87

[Signature]
MEMBER(A) 7/12/87

bsv/np

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated : 10 Sep '87

Review Application No. 95/87 ~~(1st)~~

~~W.P. No~~ in A.No. 1718 (88(K))

Applicant Director of Apprenticeship Training, Vs S. Selvaraman
Min. of Labour & Rehabilitation
2 20x

To

1. The Director of Apprenticeship -
Training, Min. of Labour and
Rehabilitation, New Delhi.

2. The Director,
Foreman Training Institute,
Bangalore.

3. Deputy Director of Regional
Vocational Training Institute,
Hosur Road, Bangalore.

4. Sri M. Vaendava Rao,
Central Govt. Standing Counsel,
High Court Buildings, Bangalore-1.

5. Sri S. Selvaraman
C/o Sri M. Raghavendra Achar
Advocate, No. 1074 & 1075,
Banashankar Nagar -
-II Phase, Bangalore.

6. Sri M. Raghavendra Achar,
Advocate
(Address as in S.No.5
above).

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN REVIEW

APPLICATION NO. 95/87

Please find enclosed herewith the copy of the Order/~~Interim Order~~
passed by this Tribunal in the above said Application on 7 Sep 87.

Encl : as above.

B.V. Venkatesh
DEPUTY DIRECTOR
~~SECTION OFFICER~~
(JUDICIAL)

of

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Plenn issue @
2.07.87

RECEIVED @ 11/9/87
Diary No. 1129/87
Date: 12/9/87
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.. Vice-Chairman.

And

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.. Member(A).

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ORDER

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bsv/np

Sd/-
VICE-CHAIRMAN 7/12/87

Sd/-
MEMBER(A) 7/12/87

"True copy"

B.V. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
10/12/87