

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCHREVIEW APPLICATION No. 44/87
IN APPLICATION NO. 106/87
(WP. NO.)COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

DATED: 15-6-87

APPLICANT

Shri P.A. Khader

TO

Vs

RESPONDENTSThe Director, Central Board of Workers
Education, Nagpur and another

1. Shri P.A. Khader
Regional Director (Retd)
Central Board of Workers Education
Kulkadi House
Baikampady
Mangalore - 11
2. Shri K.R.D. Karanth
Advocate
32, Mangalnagar
Sankey Road Cross
Bangalore - 560 052

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 44/87

REVIEW

....

Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on
08-6-87

ENCL: As above

AM
CJN to AM
A. NO. 106/87

P. A. Khader
For DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 8TH 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. 44/1987

Shri P.A. Khader,
Regional Director (Retd.)
Central Board of Workers Education,
Kulkady House, Baikampady,
Mangalore-11.

.... Applicant.

(Shri K.R.D. Karanth, Advocate)

v.

1. Director,
Central Board of Workers
Education, 1400 West High
Court Board, Gokulpet,
Nagpur-10.

2. Government of India,
Ministry of Labour,
represented by its Secretary,
New Delhi.

.... Respondents.

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, who was also the applicant in A.No-106/87
has sought for a review of the order made by us on
7.4.1987.



2. On an examination of the fact-situations as pleaded and presented before us, we have directed the return of the papers to the applicant for the representation before appropriate Bench of the Tribunal. But in this application for review, the applicant has now produced an order bearing No.108 dated 5th July, 1983 made by the Director, Central Board of Workers Education (Director) Respondent-1, placing him under suspension, when he was working at Mangalore. He has also asserted that the disciplinary proceedings had been initiated against him when he was working at Mangalore. On these facts which had not been pleaded in his application, the applicant now claims that the cause of action in part, had arisen at the city of Mangalore of Dakshina Kannada District of Karnataka State within the jurisdiction of this Bench, and therefore the order made by us, holding that this Bench had no jurisdiction, calls for a review for K.R.D. Karanth learned counsel for the applicant urges for a review of our order, on the very grounds pleaded in this application.

3. Shri Karanth does not dispute that in the original application the applicant had neither pleaded had nor produced the documentary evidence which is now produced in the review application. We dealt with the case as pleaded and presented in the application before us then. We cannot therefore hold that there was

an apparent error in our order to justify ~~or~~ review on that ground.

3. We will even assume, that the new case pleaded by the applicant possibly attracts the first ground of Order 47 Rule 1 of the Code of Civil Procedure. But even then, it cannot be said that the applicant was not aware of the proceedings and ^{that} the evidence produced before us for the first time ~~to~~ entitles him ^a him to seek ~~for~~ review on the first ground.

4. Even otherwise, on the very terms, the order made by us, as also on the grounds urged in this application, it is open to the applicant to represent ^{case} the ~~paper~~ before the Principal Bench of the Tribunal and request the Hon'ble Chairman under Section 25 of the Act, to transfer the proceedings to this Bench. When that is done, all the difficulties faced by the applicant will disappear and this Bench will be in a position to deal with the original application. On this view also, we do not see any justifiable reasons to review our order.



5. In the result, we hold that this application is liable to be rejected. We, therefore, reject this application at the admission stage, without notice to the respondents. We however direct the Registrar to return the papers in A.No.106/87 to the applicant for their representation before the appropriate Bench of the Tribunal.

P. H.
15/6/87
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd/-
Vice-chairman *847*

Sd/-
Member (A)