

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 16-12-87

REVIEW APPLICATION NO 119 /87 ()
IN APPLICATION NO. 458/87(T)
W.P.No.

APPLICANT

Vs

RESPONDENTS

Shri G. Shankar

To

The Director of Census Operation in
Karnataka, Bangalore

1. Shri G. Shankar
No. 410/A, 7th Main
Manumanthanagar
Bangalore - 560 019
2. Shri H.K. Sreedhara Murthy
Advocate
'Vagdevi', 36, Shankara Park
Shankarapurem
Bangalore - 560 004

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~REVIEW~~
~~REVIEW~~ ORDER passed by this Tribunal in the above said ^{Review} application
on 8-12-87.

RECEIVED 2 copies 17/12/87

Diary No. 1537/47/87

Date: 17.12.87 A

Encl: as above.

Parvin B. S. S.
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 8TH 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 NO. 119/1987

Shri G. Shankar,
S/o T.R. Gundappa Shastry,
aged about 23 years,
No.410/A, 7th Main,
Hanumanthanagar,
Bangalore.

.... **Applicant**

(Shri H.L. Sridharamurthy, Advocate)

v.

The Director of Census Operation
in Karnataka, Bangalore.

.... **Respondent**

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 has sought for a review of an order made by a Divisional Bench of this Tribunal on 21.7.1987 disposing of his Application No.458/87.

2. In A.No.458/87 the applicant had challenged his termination/dismissal from service. On 21.7.1987 the Division Bench upholding his plea that the termination was unjustified, directed his reinstatement within a period of two months, expressly denying backwages till the date of his reinstatement. The applicant is aggrieved only by the denial of backwages and urges that such a denial suffers from a patent error and the same justifies a review under the Act.

3. In making this application there is a delay of 86 days. In A.No.I purported to be made under Section 5 of the Limitation Act the applicant has sought for condonation of delay on the grounds mentioned in IA. We will assume that there is no delay or the grounds stated in IA No.I constitute a sufficient ground for condonation of delay and proceed to examine the merits only.

4. Shri H.L. Sridharamurthy, learned Counsel for the applicant contends that the denial of backwages by the Bench without assigning reasons were not in conformity with the rulings of the Supreme Court in (AIR 1984 SC 1829) S.M. SYED V. BARODA MUNICIPAL CORPORATION and UNION OF INDIA V. M.A. CHOWDHARY (1987 (4) SCC 112) and the same suffers from a patent error to justify a review under the Act. We find that the Bench had very consciously denied the benefit of backwages to the applicant till he is reinstated to service. We will even assume that the Bench had not given reasons for denying the same as urged by Shri Sridharmurthy. But that will not constitute a patent error justifying a review under Section 22(3)(f) of the Act read with Order 47 Rule 1 of the CPC. In denying backwages to the applicant the Tribunal has not contravened the law declared by the Supreme Court much less the rulings relied on by Shri Sridharamurthy. We see no grounds to review the order made earlier.



5. In the light of our above discussion we hold that this application is liable to be rejected. We, therefore reject this review application at the admission stage without notices to the respondents.

Sd/-

Vice-Chairman

8/12/10

Sd/-

Member (A) 15-12-47

bsv/Mrv.

- True COPY -

F. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

16/12/