

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\* \* \* \* \*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 11 AUG 1988

REVIEW APPLICATION NO. 66  
IN APPLICATION NO. 119/88(F)  
W.P. NO. 88

Applicant(s)

Dr Suresh Chandra Singhal

v/s

Respondent(s)

The Controller General, Indian Bureau of Mines,  
Nagpur & another

To

1. Dr Suresh Chandra Singhal  
Controller of Mines  
Indian Bureau of Mines  
29, Industrial Suburb II Stage  
Tumkur Road  
Bangalore - 560 022
2. Dr M.S. Nagaraja  
Advocate  
35 (Above Hotel Swagath)  
Ist Main, Gandhinagar  
Bangalore - 560 009

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY/INTERLOCUTORY ORDER~~  
passed by this Tribunal in the above said application(s) on 5-8-88  
<sup>Review</sup>

*Encl*  
Encl : As above

U/C

*P. A. Venkateshwar*  
DEPUTY REGISTRAR  
(JUDICIAL)

*K. N. Wagh*  
11-8-88

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE FIFTH DAY OF AUGUST, 1988

Present: Hon'ble Shri P. Srinivasan .... Member (A)

REVIEW APPLICATION NO.66/88

Dr Sureshchandra Singhal,  
Controller of Mines  
Indian Bureau of Mines,  
Tumkur Road, Bangalore-22.

Applicant

(Dr. M. S. Nagaraja..... Advocate)

Vs.

1. The Controller General  
Indian Bureau of Mines,  
NAGPUR-1, Maharashtra.
2. The Secretary to Govt. of India  
Ministry of Steel & Mines  
Department of Mines,  
Sashtri Bhavan,  
NEW DELHI.

Respondents

This application having come up for hearing  
before this Tribunal to-day, Hon'ble Shri P. Srinivasan,  
Member (A), made the following :-

O R D E R

This Review Application has come before me  
for admission today. The applicant wants me to review  
my order dated 26.5.88 passed in A No.119/88 filed  
by him. In that application the applicant had challenged  
certain adverse remarks recorded in his Confidential

*P. Srinivasan*

....2/-



Roll. A number of grounds were urged in that application one of which was that the order of the higher authority disposing of his representation against the remarks made by the Reporting Officer was not a speaking order. After considering the matter in depth I dictated the order in open court on 26.5.1988 in the presence of both the parties dismissing the application. The present application seeks a review of that order.

2. Dr.M.S. Nagaraja appearing for the applicant submitted that there was a mistake in the original order which was apparent from the record and which justifies a review of that order. According to him I had committed a mistake in holding that the appellate authority to whom the representation was made against the adverse remarks need not write a speaking order. This was contrary to the view taken by a bench of this Tribunal in A No.547/87 (V.L.LAMADADE'S CASE). Dr. Nagaraja submitted that I had proceeded on the wrong impression that the AA was not required to write a speaking order and that I should now review the same in the light of the correct legal position enunciated in the earlier orders of this Tribunal.

3. After careful consideration I am of the view that the ground on which the applicant seeks review is really something which could be raised only in an appeal and not in review. A decision rendered in a case cannot be divorced from the facts of that case. I took the view



P. S. T.

that in the very nature of the adverse remarks challenged by the applicant, the order of the AA was an adequate one and there was material in the records of the appeal justifying his decision. If the applicant is aggrieved with the conclusion arrived at by me, he has to pursue his remedy appeal. I cannot sit in judgement over my own order in the garb of reviewing it.

4. In view of the above the Review Application is rejected at the stage of admission itself.



Sd/-

(P. SRINIVASAN) '1'  
MEMBER (A)

TRUE COPY

*[Handwritten signature]*  
DEPUTY REGISTRAR (JULY 11/8)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE