

(99)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

REVIEW PETITION NO: 119/95 IN O.A.NO:241/90

Smt.D.D.Malihalli

.. Review Petitioner

-versus-

Union of India & Ors.

.. Respondents

CORAM: HON'BLE SHRI B.S.HEGDE, MEMBER(J)

HON'BLE SHRI M.R.KOLHATKAR, MEMBER(A)

Tribunal's order on Review Petition
by Circulation

Date: 26-09-96.

(Per M.R.Kolhatkar, Member(A))

In the O.A. 241/90 there was a divergence of views on 9-12-94 between two Hon'ble Members viz. Shri B.S.Hegde, Hon'ble Member(J) and Shri M.R.Kolhatkar, Hon'ble Member(A), the former deciding to allow the O.A. and the latter deciding to dismiss the O.A. and therefore, the matter was referred under orders of Hon'ble Chairman C.A.T. to third Member viz. Hon'ble Vice-Chairman Justice M.S.Deshpande. The Hon'ble Vice-Chairman in his judgment dt. 4-8-95 agreed with the opinion given by Shri M.R. Kolhatkar, Hon'ble Member(A) and on the basis of the majority view expressed by Justice Deshpande and Mr.Kolhatkar, the final order was that there was no merit in the application and it is dismissed. Thus it is against this order of 9-12-94 read with order dt. 4-8-95 that this R.P. is directed.

2. The Review Petitioner, original applicant, has in effect tried to argue that minority judgment was correct and has taken grounds which were already agitated by her before the Tribunal and the same have been

dealt with in the majority judgments. Although the review petitioner has tried to make out that there are errors apparent on the face of the record in the majority judgments, the grounds are really in the nature of appeal against the majority judgments. The provisions relating to review, therefore, as contained in Rules under Order 47 of CPC have not been fulfilled in the R.P. We also do not find any other sufficient grounds to review the majority judgment.

3. The R.P. has therefore no merit and is dismissed by circulation as permissible under the rules.

M.R. Kolhatkar
(M.R. KOLHATKAR)
Member(A)

B.S. Hegde
(B.S. HEGDE)
Member(J)

M

dt 22/9/96
order/Judgement despatched
to Applicant/Respondent(s)
on 21/10/96

9/10/96