

(V6)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

R.P.NO.95/95

in

OA.NO. 10/91

Shri S.G.Subramaniam & Ors.

... Applicants

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri P.P.Srivastava

Tribunal's Order By Circulation

Dated: 28.9.95

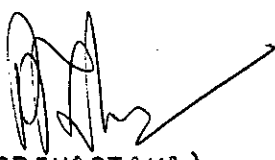
(PER: P.P.Srivastava, Member (A))

The review petition brings out that the Tribunal has erred in not referring to the seniority list in the operative part of the judgement as according to the petitioner this was the main point to be considered and the applicant has made representation to the respondents about the seniority list and the respondents have arbitrarily rejected the same. The petitioner has further brought out that the respondents have violated the Article 14 & 16 of Constitution of India and this point was also not considered by the Tribunal while delivering the judgement. According to the petitioner the Tribunal has not considered the principle of equal opportunity relating to employment or appointment and resulting discrimination. The petitioner has also brought out that the Tribunal has also not considered the case of General Manager S.C.Rly. vs. A.V.R.Sidhanthi & Ors. concerning grain shop staff which was brought to the notice of the Tribunal. The review petitioner has also brought out in Para 8 that the Tribunal ought to have considered some justifiable solution instead of outright rejecting the case as was decided by the Supreme Court in Katyani Dayal's case

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when there has been complete absorption of the personnel of one service into other.

2. We have considered all the above points which have been brought out by the review petitioner in the review petition and are of the opinion that these arguments have already been advanced at the time of hearing the OA. The review petitioner has tried to show how our judgement is wrong on certain points and how some other points have not been considered in our judgement. We are of the opinion that review is not available for reconsideration of the merit of the case which has already been argued unless any new material is brought to the notice of the Tribunal which could not be brought at the time of original hearing with due diligence. In this case, we are afraid that no new material has been brought out which was not available at the time of hearing of the original OA. The petitioner has also not brought out any error apparent on the face of the record of the judgement which will warrant review of the judgement. The review petition is dismissed.


(P.P. SRIVASTAVA)
MEMBER (A)


(M.S. DESHPANDE)
VICE CHAIRMAN

mrj.