

(254)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY.

Review Petition No. 59/98 and 60/98 in  
Original Application No. 797/91 and 771/91

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.  
Hon'ble Shri D.S. Baweja, Member (A)

R.B. Kagale and others ... Applicants in  
OA 797/91  
RP 59/98

P.B.Dhavalikar and others. ... Applicants in  
OA 771/91  
RP 60/98

V/s.

Union of India through  
The Directorate General  
of EME  
EME CIV-L and Ors.

The Commandant  
512 Army Base Workshop  
Kirkee, Pune. ... Respondents

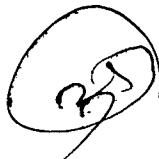
Tribunal's order on Review Petition by Circulation.

{ Per Shri D.S. Baweja, Member (A) }

Dated: 4/12/98

O.A. 771/91 and 797/91 were decided by a common order dated 15.9.1998. Review Petition 59/98 in O.A. 797/91 and Review Petition 60/98 in O.A. 771/91 have been filed by the applicants seeking review of the order dated 15.9.1998.

2. As held by Hon'ble Supreme Court in catena of judgements, the power of review may be exercised on the discovery of the new and important matter or evidence which after exercise of the due diligence was not within the knowledge of the persons seeking a review or could not be produced by him at the time when the order was made; it may be exercised when some mistake or error apparent on the fact of the record is found; it may also be exercised on any analogous grounds. However the power of review could not be exercised on the plea that the decision was erroneous

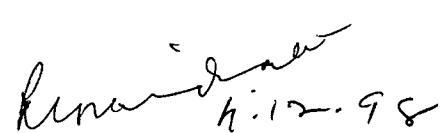


on merits.

3. Keeping in view of the above parameters, the two Review Petitions which are identical have been considered. On going through the grounds taken in the Review Petitions, it is noted that no new facts have been brought on the record and no errors apparent on the record have been pointed out. In fact the grounds advanced for seeking the review of the order are the same as advanced in the O.As. The applicants have again reiterated that their recruitment was governed by SRO 233/88 and therefore they are entitled for the scale of Rs. 1200, 1800. This aspect has already been examined in the O.As. and in fact the findings have been recorded that the case of the applicants is to be governed by SRO 233/82 and not by the subsequent modified recruitment Rule as per SRO 1/88. Only after recording these findings, the case of the applicants has been examined as to whether they were entitled for the scale of Rs. 1200,- 1800 as per SRO 233/82. But no merit was found in the claim of the applicants. Keeping this in focus, we are of the view that none of the parameters laid down for exercise of the power of review are emerging from the Review Petitions and therefore there is no merit in the Review Petitions.

4. In the result of the above, both the Review Petitions are dismissed.

  
(D.S. Bawej)  
Member (A)

  
R.G. Vaidyanatha  
Vice Chairman

NS

~~order/Judgement despatched  
to Appellant/Respondent(s)  
on 17/12/98~~

~~14/12/98~~