

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

REVIEW PETITION NO: 52/96 IN O.A. 982/92

Signed this, the 4th day of APRIL 1996

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

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

Ganesh Sudam Shirke & 7 Ors.

.. Review
Petitioners

-versus-

Union of India & Ors.

.. Respondents

ORDER (BY CIRCULATION)
(Per M.R. Kolhatkar, Member (A))

This is an R.P. seeking review of our judgment dt. 31-10-1995. The R.P. is particularly directed against the following observations in the judgment:

"On the other hand, there are several candidates who have not approached us, but who could have succeeded if they had approached us. We do not think it proper to grant any relief in favour of such potential panelists, as they have shown lack of vigilance."

This is sought to be reviewed on the ground that the review petitioners are some of the senior-most persons in the seniority list who were qualified in the written test for the post of Intermediate Apprentice to be filled against 25% quota by selection, that they are entitled to the relief because the railway administration has adopted a wrong procedure which has not been approved by the Hon'ble Tribunal and which procedure was not in the knowledge of the review petitioners. The Review petitioners rely on the judgment of the Supreme Court in the case of Union of India & Others vs. Bigyan Mohapatra and Others, 1993 SCC(L&S)432, in particular to following observation therein.

"The tribunal, unfortunately, instead of dealing with the matter from this angle, merely adopted an easy course on the assumption that two posts of Junior Clerk were available, in which posts there respondents were directed to be accommodated. This approach is wholly wrong. For ought one know, there may be other claimants who would be entitled to promotion; their claims required to be considered. Therefore, straightway, these respondents cannot be fitted in. Accordingly, the order of tribunal is set aside, upholding the order of reversion."

In that SLP which ~~was~~ filed by the U.O.I. the facts were entirely different and the Supreme Court was not required to go into the ~~rights~~ of review petitioners who were not originally ~~parties to the~~ O.A. The observations made by the Supreme Court therefore do not ~~avail~~ and we are not inclined to review the judgment and in particular the paragraph referred to by the petitioners.

2. The R.P. is therefore dismissed and it is dismissed by circulation as is permitted under the rules.

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

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

4/4/96
Order/Judgement despatched
to Applicant/Respondent(s)
on 11/4/96

19/4/96