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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
BOMBAY

Date of decision:- 20.9.93

RA No.62/93 in
OA No.637/92

Shri A.G.Ketkar ... Petitioner

vs

Union of India & ors... Respondents

CORAM:

THE HON'BLE MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
THE HON'BLE MS. USHA SAVARA, MEMBER(A)

ORDER

(BY HON'BLE MR.JUSTICE S.K.DHAON,
VICE-CHAIRMAN(J) BY CIRCULATION)

This is an application praying that the judgement dated 3.2.1993 passed by us may be reviewed.

2. The controversy in OA No.637/92 centred round the legality of the acceptance of the resignation of the petitioner. We gave a considered judgement after meeting all the points urged by and on behalf of the petitioner. We took the view that the resignation had been validly accepted and became effective only from the date of its acceptance.

3. We have gone through the contents of the Review Application. It is now urged that, in fact, the D.E.T. had no jurisdiction to accept the resignation. Such a point was neither raised in the OA nor was it urged at the time of hearing. This, it appears to be accepted in the Review Application. We may note that the petitioner (Sh.A.G.Ketkar) submitted his resignation to the D.E.T.

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4. It is contended that the petitioner acquired the knowledge of the fact that D.E.T. had no jurisdiction only after our judgement dated 3.2.1993. Our power or jurisdiction to review our judgements or orders is confined to the provisions of Order 47 Rule 1 Code of Civil Procedure. There is no averment in the Review Application that the petitioner could not acquire the knowledge of the new fact that D.E.T, in fact, had no jurisdiction in spite of due diligence being exercised by him in ascertaining that fact before 3.2.93. None of the provisions of Order 47, Rule 1 CPC is attracted to the facts of the present case.

5. The application is rejected summarily.

6. We are passing this order by adopting the process of circulation which is permissible under the rules.

U. Savara
(USHA SAVARA) 20.9.93
MEMBER(A)

S.K. Dhaon
(S.K. DHAON)
VICE-CHAIRMAN(J)

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