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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
BOMBAY

R.P. No. 84/94

Dated: 28-9-1994.

in

O.A. No. 892/92.

Shri Ajitkumar R. Parihar ... Applicant

versus:

1. Shri S.L. Winston,
General Manager,
Kalyan Telecom,
Kalyan.

2. Shri A.V. Prabhu,
Divl. Engineer Administration,
Kalyan Telecom,
Kalyan.

3. Shri P.R. Shirode,
Divisional Engineer Telecom,
New Telephone Exchange,
Dombivali.

... Respondents

[Hon'ble Smt. Lakshmi Swaminathan, Member (J)]

This review petition No. 84/94 has been filed for review of the order dated 26.4.1994 passed in C.P. No. 85/93 in O.A. No. 892/92. The applicant has tried to argue the same contentions which have been considered and rejected in the order dated 26.4.1994. The applicant states in para 3(e) of the petition that he is relying upon two orders dated 7th September, 1992 and 12th August, 1993 (Annexures A-5 and A-6) respectively. Annexure A-5 order deals with the rotational transfer in the cadre of Phone Inspector in the case of one Shri H.L. Chauhan and Shri A.N. Anantwar and the order dated 7th September, 1992 is the sanction of honorarium for certain officials for work performed in the department, which includes the applicant at S.No. 88. Further, in sub-para (g), the applicant states that the letter dated 12th August, 1993, letter of 7th September, 1993 and letter of 25th April, 1994 were not available with him earlier inspite of due diligence and have now become available to him and are on the file with review petition. None of these letters have been properly referenced. Annexures A-5 and A-6 orders do not deal with the issue of transfer or transfer policy of the applicant and, therefore, are not relevant.

2. From a careful perusal of the review petition, it appears that although the grounds taken may be more germane for an appeal, none of the ingredients for review permissible under O. 47 Rule 1 read with Section 115, C.P.C. has been made out to warrant a review of the order dated 26th April, 1994. The applicant has not been able to show that there is any error apparent on the face of the record or any glaring omission or patent mistake or any other sufficient reasons justifying review of the order. The review application cannot be utilised for re-arguing the case, ^{13/}traversing the same ground. We, therefore, find no merit in this review application.

3. There has also been delay in filing the review petition by 21 days. We have seen the application for condonation of delay for filing the review petition, but we are not satisfied that there is sufficient justification for condonation of the delay.

4. Therefore, both on the grounds of merit and limitation, this review petition is rejected.

5. Regarding M.P. No. 34/94 in O.A. No. 892/92 dated 10.1.1994, this may be placed before the appropriate Bench for orders.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

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