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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

REVIEW PETITION NO: 121 OF 1995 IN

O.A.NOS. 982/92 and 482/92

Monday, this the 1st day of JANUARY 1996

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

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

D.D.Dudhwadkar

.. Review
Petitioner

-versus-

Union of India & Ors.

.. Respondents/
Original Respondents

O R D E R (BY CIRCULATION)

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

This Review Petition is filed praying for review of our order dt. 31-10-95 in O.A.Nos.982/92 and 482/92. In terms of this order we had granted relief to applicants in O.A. 482/92 except applicant 3 and 5 in that O.A. but we had stated as below :

"As a very large number of applications are involved, in our view, the relief is required to be moulded keeping in view the fact that the test was held long back, namely: in 1992 and the successful candidates have probably already started training and it would not be practical to quash the panel as a whole and disturb them. 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 panellists, as they have shown lack of vigilance."

The review petitioner is one D.D.Dudhwadkar who is not a party to the original application. According to the petitioner the observations of the Tribunal referred to

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above run counter to judgment of the Hon'ble Supreme Court in the case of Union of India & Ors. vs. Vigyan Mohapatra & Ors, 1993 SCC(L&S) 432 which is reproduced below :

"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 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."

The petitioner also contends relying on Full Bench judgment of the Tribunal in this respect regarding filing of review petition by an affected party.

2. The parameters of review jurisdiction are narrowly circumscribed vide rules in Order 47 of CPC. In our view no grounds ^{for review} relatable to rules in Order 47 are made out. The judgment of the Supreme Court referred to by the petitioner has no applicability to the facts and circumstances of the Q.A. in which we had given reasons for restricting the relief.

3. We are of the view that the Review Petition has no merit which is accordingly dismissed. The order of the dismissal is passed by circulation as provided by rules

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

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