

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6, PRESCOT RD, 4th FLOOR.
Bombay - 400 001.

REVIEW APPLICATION NO.4/96 in
ORIGINAL APPLICATION NO.332/92.

Tuesday the 23rd day of January 1996.

CORAM : Hon'ble Shri B.S.Hegde, Member (J)
Hon'ble Shri M.R.Kolhatkar, Member (A)

1. Shri Surendra Bhalachandra Nadkarni
2. Keshav Balkrishna Palsikar ... Applicants.

V/s.

1. Union of India & anr. ... Respondents.

ORDER (BY CIRCULATION)

[Per Shri B.S.Hegde, Member (J)]

This application has been filed seeking
review of order dated 29/9/95 by which OA 332/92
was dismissed.

2. Seeing the review application, we are
satisfied that this application can be disposed
of by circulation. In the review petition, the
the applicants draws our attention that they have
been shown senior to Shri Apte and Shri Kamaruddin
Raijuddin in pursuance of seniority list
published in 1987 though Shri Apte and Kamaruddin
were promoted to the grade of 700-900 with
effect from 1/1/84, the applicants were not given
that grade, they were given only adhoc promotion
from 1987 whereas they are seeking promotion
from 1/1/84 on par with their juniors Shri Apte
and Shri Kamaruddin against the upgraded post

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16

in the restructuring cadre without appearing in written test.

3. It may be recalled that similar case has been made by applicant in OA which was dismissed after hearing both the parties. Though they were advised to appear for the written test, they did not appear for the written test as it is a pre-condition that they should appear for the exam and pass the exam for seeking further promotion. If he had passed the written test, he could have been considered in the seniority from 1/1/84. It is an admitted fact that the applicants were not shown as juniors, in the year 1984 and the said seniority list has been changed in the year 1987. Infact, they had already been given a promotion from 1987 till their retirement. The question of giving them retrospective seniority does not arise. Applicants who gained higher seniority position could only be considered in the next selection, he could be said to be promoted alongwith juniors with effect from 1/1/84.

4. In the light of the above, it is well settled principle that applicant cannot file a review application raising the very same plea which has been rejected by the Tribunal and it is not open to the applicant to re-argue the case once again by raising the same grounds. A review of a judgement is a serious step and reluctant resort to it is proper only where a glaring omission

[Signature]

or patent mistake or like grave error has crept in earlier by judicial fallibility.

5. In the result, in our view, neither any error apparent on the face of the record has been brought out nor any new facts have been brought to our notice calling for review of the original judgement. The grounds stated in the RP are more germane for an appeal against judgement and not for review of the judgement. The RP is therefore dismissed.

M.R. Kolhatkar

(M.R. KOLHATKAR)
MEMBER (A)

B.S. Hegde

(B.S. HEGDE)
MEMBER (J)

abp.