

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Review Application No.19/94 in

Dated:- 30 MAY 1994

627 of 1992.

APPLICATION NUMBER:

APPLICANTS:

Sri.K.G.S.Bhat
To.

RESPONDENTS:

v/s. Joint Secretary(Admn), C.S.I.R.NDelhi & Others.

1. Dr.M.S.Nagaraja, Advocate, No.11,
Second Floor, First Cross,
Sujatha Complex, Gandhinagar,
Bangalore-9.
2. The Director,
Central Food Technological Research Institute,
Cheluvamba Mansion, Mysore-570013.

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 24-05-1994.

S Shanthar
30/5
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

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ISSUED
On

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

R.A. NO.19/94

TUESDAY THIS THE TWENTY FOURTH DAY OF MAY 1994

Shri A.N. Vujjanaradhya ... Member [J]

Shri T.V. Ramanan ... Member [A]

Sri K.G.S. Bhat,
S/o k.s. govinda Shastry,
Civil Engineer,
C.F.T.R.I., Mysore-13. ... Review Applicant

[By Advocate Dr. M.S. Nagaraja]

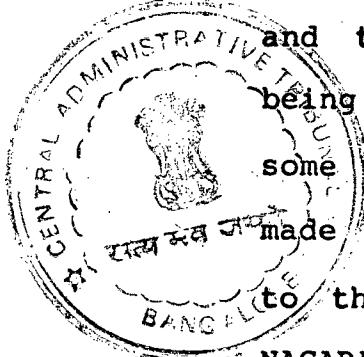
v.

1. The Joint Secretary [Admn],
Council of Scientific &
Industrial Research,
Rafi Marg, New Delhi.
2. The Director,
C.F.T.R.I., Mysore ... Respondents

O R D E R

Shri A.N. Vujjanaradhya, Member [J]:

1. The applicant in O.A. No.627/92 who is aggrieved by the order passed in the said O.A. on 3.2.1994 has made this Review Application ['RA' for short] contending that the contentions of the learned counsel for the review applicant were not properly considered and the same has resulted in erroneous conclusions being arrived at by the Tribunal and further that some observations not advanced by either side were made in the course of the order causing injustice to the applicant and, therefore, as was held in S. NAGARAJA V. UNION OF INDIA, a decision rendered by the Supreme Court and reported in 1994[26] ATC 448,

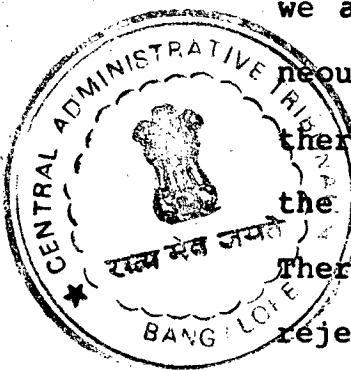


the Tribunal has ample power to review and correct the decision by recalling the earlier judgment in OA and to review the same on merits.

2. After going through the records we have deemed it proper to dispose of this RA by circulation in terms of Rule 17 of the Central Administrative Tribunal [Procedure] Rules, 1987, inasmuch as it is not the plea that there is any mistake or error apparent on the face of the record, that review applicant had discovered any new and important matter or evidence which after exercising due diligence and care was not within his knowledge or for any other sufficient reason which would be similar to the other two grounds.

3. The averments in the RA are to the effect that the reasoning and conclusions in the order dated 3.2.1994 are erroneous and that some of the observations were not based on the contentions of either of the parties and, therefore, the final order has resulted in causing injustice to the review applicant and, therefore, it should be corrected for which the Tribunal has ample powers as was observed by Supreme Court in the case of S. NAGARAJA V. STATE OF KARNATAKA. It cannot be disputed that the scope of RA is limited to the rectification of any error or mistake apparent on the face of the record or the review applicant coming across a new ground which inspite of exercising due diligence was not available to him or on such

similar grounds. It is not the case of the review applicant that there is any mistake or error apparent on the face of the record in the course of the order passed in OA No.627/92. The contentions of the review applicant are that the reasoning for the conclusion arrived at by this Bench are erroneous and the same is required to be corrected by allowing this RA. In other words the review applicant wants us to exercise the powers of appellate authority and sit in decision as if this RA is an appeal, which is not the scope of an application of this nature. The decision of the Supreme Court from which the review applicant has sought support, no doubt states that "the said court has ample power to reexamine or reconsider" which is stated to be the meaning of review and in that particular case, the mistake which has resulted in injustice was rectified. But in the present case, we are not convinced that we have arrived at an erroneous conclusion based on erroneous reasoning and, therefore, it would not be proper for us to exercise the power of review as sought by the review applicant. Therefore, we find not merit in this RA and thus we reject the same.



TRUE COPY

bsv

S. Bhattacharya
SECTION OFFICER
30/5
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

MEMBER [A]

MEMBER [J]

Sd/-

Sd/-