

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

R.P. NO. 41/97 JN

OPEN COURT / PRE DELIVERY JUDGMENT IN OA 190/93

Hon'ble Vice Chairman / Member (J) / Member (A)

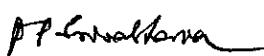
**may kindly see the above Judgment for
approval / signature.**


V.C. / Member (J) / Member (A) (K/S)

Hon'ble Vice Chairman

Hon'ble Member (J)

Hon'ble Member (A) (K/S)



CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

R.P. NO.: 41/97 IN O.A. NO.: 190/93.

Dated this Tuesday, the 15th day of July, 1997.

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

HON'BLE SHRI P. P. SRIVASTAVA, MEMBER (A).

M.S.H. Kazi,
General Secretary,
Central Excise & Customs
Collectorate Class-III
Drivers' Association,
52/2135/VII, CGS Colony,
Antop Hill, Mumbai.

V.D. Kharat,
52/2135/VII, CGS Colony,
Antop Hill,
Mumbai.

... Applicants.

Union Of India,
represented by the Secretary,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi.

Chairman,
Central Board of Excise &
Customs, North Block,
New Delhi.

... Respondents.

TRIBUNAL'S ORDER BY CIRCULATION :

(PER.: SHRI B. S. HEGDE, MEMBER (J))

The applicants have filed this review petition seeking review of the judgement dated 11.03.1997 wherein the applicants have challenged the constitutional validity of Recruitment Rules, 1979 relating to recruitment to the post of Inspectors by promotion, as it restricts the promotional avenues only to Upper Division Clerks, Tax Assistants, Stenographers, Women Searchers and Draftsmen excluding Motor Vehicle Drivers. The applicants

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are Motor Vehicle Drivers. The contention of the applicant is that though they possess equal educational and other qualifications and physical fitness, their services were not included in the feeder category for the purpose of promotion to the post of Inspector. After considering the rival contentions of the parties, the Tribunal had observed that since the respondents have already provided further promotional avenue to Motor Vehicle Drivers, we do not think there is any justification on the part of the applicants in agitating the matter further equating them with that of U.D.Cs. and Tax Assistants so as to enable them to get the promotion to the post of Inspector. Matters of equation and inclusion in the feeder cadre are the matters of policy decision of the Government ~~in~~ which the Tribunal cannot interfere. In the Review Petition also, the applicants are seeking declaration from the Tribunal reiterating that the Recruitment Rules, 1979 are in violation of Article 14 and 16 of the Constitution of India. The power of review may be exercised where some mistake or error apparent on the face of the record is found, etc.

2. On perusal of the petition, we find that the applicants have not made out any fresh matrix for reconsideration of the order passed by the Tribunal nor any error has crept in in the order. The scope of review is very limited. By way of review, the earlier order passed by the Tribunal cannot be re-opened reiterating the same facts. If the applicants are not

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satisfied with the order passed by the Tribunal, it is open to them to challenge the same in the appropriate forum and not by way of review.

3. In the result, we do not see any fresh ground in the review petition and accordingly the review petition is dismissed by circulation.


(P.P. SRIVASTAVA)

MEMBER (A).


(B.S. HEGDE)

MEMBER (J).

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