

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
(CAMP: NAGPUR)  
-----

Original Application No: 1066/93  
-----

Transfer Application No:

DATE OF DECISION: 16-10-1996

Kuwarlal L. Deshmukh

Petitioner

Advocate for the Petitioners

Versus  
-----

UOI & ors.

Respondent

Mr. M.G. Bhangde,

Advocate for the Respondent(s)

CORAM :  
-----

The Hon'ble Shri B.S. Hegde, Member(J)

The Hon'ble Shri M.R. Kolhatkar, Member(A)

1. To be referred to the Reporter or not ? *y*
2. Whether it needs to be circulated to other Benches of the Tribunal ?

*M(J)*  
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH,  
CIRCUIT SITTING AT NAGPUR  
NAGPUR

O.A. No. 1066 of 1993

DATED : 16TH OCTOBER, 1996

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

Kuwarlal L. Deshmukh  
Ex. Casual Labour  
At Village Khambara  
P.O. Chillati, Dist. Betul,  
Now R/o. C/o. Gulabsingh,  
Plot No. 113,  
Jogendra Nagar,  
Nagpur 440013

..Applicant

V/s.

Union of India through

1. General Manager  
Telecommunication  
Nagpur 440001
2. Divisional Engineer  
Telecom (HQ)  
R.E. Bajaj Nagar  
Nagpur 440010
3. Asstt. General Manager  
Telecom, Nagpur 1
4. Chief General Manager  
Telecommunication  
Maharashtra Circle  
Bombay 400001

(By Mr. M.G. Bhangade, Counsel,  
Central Govt. Standing Counsel)

..Respondents

ORDER  
(Per: B.S. Hegde, Member (J))

Though the Applicant has sent a letter stating that his Advocate and his wife had died and therefore he could not appear to day, the Ld. Counsel for the Respondents Mr. M.G. Bhangade submitted that the applicant could be decided in favour of the applicant inasmuch as the respondents are willing to


appoint the Applicant Mr. Kuwarlal L. Deshmukh as a Casual Labour. Hence we proceed to hear the Ld. Counsel for the Respondents in the absence of the applicant.


Mr. Bhangde, Ld. Counsel submits that the remark 'Left on own accord' was entered against the applicant's name in the seniority list prepared and hence in the final seniority list prepared his name got deleted because of that remark. However, on scrutiny of record it is noticed that there was an error and the entry 'Left job on own accord' has been mistakenly entered, and in fact the applicant was retrenched with effect from 1.7.90 under letter dated 30.6.90.

In the circumstances, we direct the respondents to appoint the applicant as Casual Labourer with immediate effect and allot him his due placement in the final seniority list.

With the above direction the O.A. is disposed of with no order as to costs.

Copy of this order be given to the parties.

  
\_\_\_\_\_  
(M.R. Kolhatkar)  
M(A)

  
(B.S. Hegde)  
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH 'GULESTAN' BUILDING NO:6  
PRESCOT ROAD, BOMBAY:1.

Review Petition No. (N) 17/96 in  
Original Application No. 1066/93

Tuesday (the) 25<sup>th</sup> day of March 1997.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Hon'ble Shri M.R. Kolhatkar, Member(A)

Union of India through  
General Manager,  
Telecommunication, Nagpur.

Divisional Engineer,  
Telecom(HQ)  
R.E. Bajaj Nagar, Nagpur.

Asstt. General Manager,  
Telecom, Nagpur.

Chief General Manager  
Telecommunication,  
Maharashtra Circle, Mumbai.

... Applicant  
Original  
Respondent.

V/s.

Kuwallal L. Deshmukh  
Ex-Casual Labour,  
At Village Khambara,  
P.O. Chillati, Dist. Betul,  
C/o Gulabsingh, Plot No. 113  
Jogendra Nagar, Nagpur.

... Respondent.  
Original  
Applicant.

Tribunal's order on Review Petition No. 17/96  
By Circulation.

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

This Review Petition has been filed  
by the original respondents seeking Review of the  
judgement dated 16.10.96. The O.A. has been disposed  
of with the following directions. The applicant has  
sent a letter stating that his advocate and his wife  
had died and therefore he could not appear today.  
However the learned counsel for the respondents  
Shri M.G. Bhangde submitted that the application  
could be decided in favour of the applicant in as much

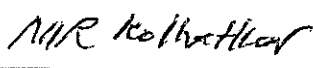
the respondents are willing to appoint the applicant as a Casual Labour. Hence we proceed to hear the learned counsel for the respondents in the absence of the applicant. The learned counsel during the course of hearing submitted that the remark 'Left on own accord' was entered against the applicant's name in the seniority list prepared and hence in the final seniority list prepared his name got deleted because of that remark. However, on scrutiny of record, it is noticed that there was an error and the entry 'Left job on own accord' has been mistakenly entered, and in fact the applicant was retrenched with effect from 1.7.90 under letter dated 30.6.90. Accordingly, the respondents were directed to appoint the applicant as Casual Labourer with immediate effect and allot him his due placement in the final seniority list.


However on perusal of the reply filed by the respondents it is stated that preparing combined seniority list of all the casual labours of Nagpur unit as per the judgement of this Hon'ble Tribunal dated 18.11.91 in O.A. 599/90, the applicant had left the job on his own accord. The provisional combined seniority list was issued on 6.3.92 and 15 days time was given to file objection if any. A copy of this provisional combined seniority list was served upon Ms. Sulekha Kumbhare, the President of the Union, who was applicant in OA 599/90. Neither the applicant nor the President of the Union raised any objection to the provisional seniority list, the final seniority list was issued on 20.4.92 after incorporating corrections and deleting the names of casual labours who had left the job on their own accord. That

statement itself does not come to the rescue to the present applicant (original respondents), because it was stated during the hearing that the applicant was retrenched with effect from 1.7.90 under the letter dated 30.6.90. Therefore, whether the applicant has left on own accord or otherwise does not help the original respondent to violate the order of the Tribunal. In our view, there is no error has crept in the judgement.

The parties are well aware, that the scope of Review is very limited and it is not open to the parties to re-argue the case on the same ground. The Apex Court in Chandra Kanta (1975) has held that 'once an order has been passed by this Court, a review thereof must be subject to the rules of the game and cannot be lightly entertained. A review of the judgement is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition through different counsel of old and over-rules arguments, a second trip over ineffectually covered ground or minor mistake of inconsequential import are obviously insufficient.

In the light of the above, we are, of the view, that there is no merit in the Review Petition filed by the original respondent and the same is dismissed.

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

  
(B.S. Hegde)  
Member(J)