

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.  
REVIEW PETITION NO.49/99  
IN  
ORIGINAL APPLICATION NO.1184/1993.

this the 28th day of August 2000.

Coram: Hon'ble Shri D.S.Baweja, Member (A),  
Hon'ble Shri S.L.Jain, Member (J).

P.K.Krishna Unni.  
(By Advocate Shri S.P.Saxena)

... Applicant.

Vs.

Union of India & Ors.  
(By Advocate Shri R.K.Shetty)

... Respondents.

: ORDER ON REVIEW PETITION :

{Per Shri D.S.Baweja, Member (A)}

This Review Application (RA) has been filed by the applicant seeking review of the order dt. 6.8.1999.

2. This RA was listed for hearing and notices were issued to both the parties. However, before the hearing could be taken up, one of the Members of the Bench which had passed the order dt. 6.8.1999 has since retired and therefore the preliminary hearing of the Review Application have been taken up by this Bench.

3. The respondents have filed written statement submitting that there is no case for review of the order.

4. We have heard Shri S.P.Saxena and Shri R.K.Shetty, the learned counsels for the applicant and respondents respectively.

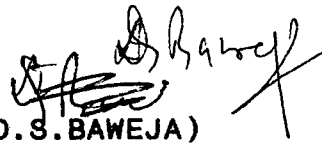
5. On going through the RA, it is noted that the applicant has sought the review of the order in reference to claim of seniority with respect to Respondent No.6 (R-6) in the OA. Relying upon the Judgment of the Supreme Court in the case of Union of India Vs. K.P.Singh (1999 (5) SCC 731), the applicant has submitted

...2.

that this Judgment was within the knowledge of the applicant at the time of passing of the order dt. 6.8.1999. The applicant has made out a case that as held by the Hon'ble Supreme Court in the case of K.P.Singh that the relevant Rule of 1959 which prescribed that seniority will be on the basis of date of confirmation will apply in the case of the applicant vis-a-vis R-6. Applying the law laid down by the Hon'ble Supreme Court, the applicant will be senior to R-6 because he had been confirmed as LDC earlier to R-6. On going through the order dt. 6.8.1999, we are unable to accept the contention of the applicant that the review of the order as per the law laid down by Hon'ble Supreme Court in the above cited Judgment is called for. Though in the order dt. 6.8.1999 the contentions made by either parties have been gone into on merits and the grounds taken up by the applicant have been rejected, but OA has been finally dismissed not on merits, but on the ground that the claim of the applicant is stale and the settled position in respect of seniority cannot be allowed to be unsettled after several years. It was also noted that both R-5 and R-6 have further been promoted. The Bench, therefore, concluded that none of the reliefs prayed for can be granted. Since the reliefs were not granted mainly on the ground of claim being stale, the order on merits keeping in view of the law laid down by the Hon'ble Supreme Court in cited judgment is not called for.

6. In the result of the above, we do not find any ground for review of the order as asked for. The Review Application and therefore the Review Application therefore is devoid of merits and is dismissed accordingly.

  
(S.L.JAIN)  
MEMBER (J)

  
(D.S.BAWEJA)  
MEMBER (A)

B.