

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

R.P. NO.: 118/95 IN O.A. NO. 920/93.

Dated this Friday, the 15th day of November 1996.

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

Shri P. C. Kharge ... Applicant
(By Advocate Shri S.P. Saxena)

VERSUS

Union Of India & Others
(By Advocate Shri R.K. Shetty) ... Respondents.

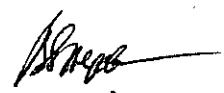
: O R D E R :

Heard Shri S.P. Saxena for the applicant and
Shri R. K. Shetty for the respondents.

2. During the course of hearing, an advocate has brought to our notice the decision rendered by the Supreme Court in the case of Indermani Kirtipal V/s. Union Of India & Others [1996 (1) SC SLJ 462] wherein the Supreme Court has held that "the matter relating to promotion - jurisdiction of Single Member to decide the matter - a bench consisting of single Member may also be competent to dispose of certain matters. Further where the matter having been decided by the Single Member after considering the case on merits, the unsuccessful party cannot plead that the Member had no

jurisdiction to decide the issue." In the instant case also, the matter has been decided by a Single Member. The Learned Counsel for the Review Petitioner now submits that the matter ought to have been decided by a Division Bench and not by a Single Bench, which, ^{plea be} ~~he~~ ought to have taken up at the time of disposal of the O.A. The plea now raised by the applicant's counsel is not acceptable in view of the Supreme Court decision. We are therefore, of the view, that the Review Petition is not maintainable and the same is dismissed.


(P.P. SRIVASTAVA)
MEMBER (A).


(B. S. HEGDE)
MEMBER (J).

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