

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) 25th 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. Chilati, 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

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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-ruled 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)