

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 752/93

Date of Decision: 1.10.97

Shri S.K. Dev.

Applicant.

Applicant in person.

Advocate for
Applicant.

Versus

Union of India and others.

Respondent(s)

Shri Wadhavkar for
Shri M.R. Gethna.


Advocate for
Respondent(s)

CORAM:

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

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

- (1) To be referred to the Reporter or not?X
- (2) Whether it needs to be circulated to
other Benches of the Tribunal?


(B.S. Hegde)
Member (J)

NS

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

Original Application No. 752/93

Wednesday the 1st day of October 1997.

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

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

S.K. Dev
Resident of
M-32/2424 H.B. Colony
Yervada, Pune.

... Applicant.

Applicant in person.

V/s.

Union of India through
The Director,
Central Water and
Power Research Station
Khadakwasla, Pune.

The Secretary to the
Government of India
Ministry of Water
Resources,
Shram Shakti Bhavan,
Rafi Marg, New Delhi.

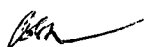
... Respondents.

By Advocate Shri Wadhavkar for Shri M.I. Sethna.

O R D E R (ORAL)

¶ Per Shri B.S. Hegde, Member (J) ¶

The only contention of the applicant is although he has been working in the capacity as Senior Research Officer right from 1983 till his retirement, i.e. 31.1.94. However, the applicant has retired as Assistant Research Officer. If the Competent Authority has given him the scale of pay of Research Officer and he was allowed to retire as Senior Research Officer,




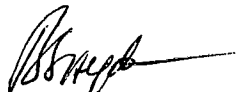
It would have benefited in seeking higher pension.

2. As per notification dated 11.8.88, recruitment Rules for the post of Research Officer, we noticed that the essential qualification is 'Master's degree in Science or Degree in Engineering from a recognised University or equivalent.' Subsequently, the respondents relaxed the qualification for the post of Research Officer from Degree in Engineering or Master's Degree in Science to Diploma in Engineering or Degree in Science in order to provide promotional avenues. It is not possible to further down-grade the essential educational qualifications in the Recruitment Rules for the post of Research Officer. This was communicated to the applicant as back as 1992. Despite the same, the applicant has filed this O.A. requesting that he should be given the post of Research Officer. Since the applicant is only Inter-Science, not even qualified under the relaxed standard of the order dated 3.2.92, the question of his consideration for the post of Research Officer does not arise. He has not been able to produce any order passed by the respondents stating that he has been asked to shoulder the responsibility of Senior Research Officer for such a long period of nearly 11 years. In the absence of any order passed by the respondents, we cannot go by the contention of the applicant, further he is not qualified to hold the post of Senior Research Officer.

Wm

3. In the result, we do not find any merit in the O.A. Accordingly, the O.A. is dismissed.
No order as to costs.


(M.R. Kolhatkar)
Member (A)


(B.S. Hegde)
Member (J)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

R.P. NO.: 16/98 IN O.A. NO.: 752/93.

Dated this Friday, the 24th day of July, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

S. K. Dev
Retired A.R.C.,
Residing at -
M-32/2424, Maharashtra
Housing Board Colony,
Yerwada, Pune - 411 006.
(In Person).

... Applicant

VERSUS

Union Of India & Others
(Represented by the Director,
Central Water & Power
Research Station, Pune-411024)
(By Advocate Shri M.I. Sethna
alongwith Shri V. D. Vadhavkar).

... Respondents.

: OPEN COURT ORDER :

{ PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN }

This is a review petition filed by the applicant requesting this Tribunal to review the order passed by this Tribunal on 01.10.1997. It is seen from the order that this Tribunal heard the applicant, who appeared in person and the Counsel for the respondents, on merits and dismissed the O.A. Now the applicant wants to bring to our notice some facts, which could not be brought by the applicant at the time of final hearing and he also wants to say that many of the points are not considered by the previous order





in question. ^{Being} During a co-ordinating Bench, we cannot sit in appeal over the order passed by another Bench of this Tribunal. Both the Hon'ble Members who passed the order dated 01.10.1997 have since retired. That is why, this review petition is placed before us. If the applicant is aggrieved by the order dated 01.10.1997, his remedy is elsewhere and not by filing the review petition.

Shri V. D. Vadhavkar for Shri M.I. Sethna,
Counsel for the respondents, files reply to the
review petition.

2. After hearing the applicant in person and Shri V. D. Vadhavkar for the respondents, we find that no case is made out for grant of review within the meaning of Order 47 Rule 1 C.P.C. Hence, the review petition is liable to be rejected.

3. In the result, the Review Petition No. 16/98 is rejected. Consequently, M.P. No. 240/98 for condonation of delay, also stands disposed of. No costs.


(D. S. BAWEJA)
MEMBER (A).


(R. G. VAIDYANATHA)
VICE-CHAIRMAN.