

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

REVIEW PETITION NO.31/99
IN
ORIGINAL APPLICATION NO.804/1993

DATED THIS 27th DAY OF JUNE, 2000

CORAM: HON'BLE SHRI JUSTICE R.G. VAIDYANATHA, VICE CHAIRMAN
AND
HON'BLE SHRI B.N.BAHADUR, MEMBER (A)

Manohar Burde Applicant
(Applicant in person)

VS.

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

ORDER (ORAL)

[Per: Justice R.G.Vaidyanatha, VC]

This Review Petition is filed by the Applicant against the Order of the Tribunal dated 5.7.1999 in O.A. No. 804/93. We have heard the Applicant who appeared in person and Shri R.K. Shetty learned counsel for the Respondents.

2. The Applicant had filed the O.A. praying for a direction to Respondents to promote him, to fix his seniority above Shri S.P. Mishra, on the seniority list, to grant him arrears of Pay and Allowances and for other consequential reliefs. Respondents filed the reply contesting the Application. After hearing both sides, a Division Bench of the Tribunal accepted the case of the Applicant in part and allowed the Application by order dated 5th July 1999. The Respondents were directed to consider the case of the Applicant for promotion. However, the Applicant prayer for back wages was rejected.

3. Now the Applicant has filed the present Review Petition raising 3 points. The first two points are about clerical mistakes occurring in the order of the Tribunal dated 5th July, 1999.



4. In para 6 of the petition it is mentioned that the application was filed in 1994, but it was actually filed in 1993.

We have perused the record and find that the O.A. was actually filed in the Registry on 2.8.1993. Therefore, the year of filing of the O.A. mentioned as 94 at para 6 of the Tribunal is an apparent error on record and therefore, has to be corrected.

5. In para 8 of the Order of the Tribunal it is mentioned that the Application is pending for nearly 4 years. As rightly pointed out by the Applicant even here there is a clerical mistake in showing the period as 4 years but it should be 6 years since the Application was filed in 1993 and it was disposed of 1999. Here also there is an apparent error on the face of the record, which requires to be corrected.

6. The third point in his R.P. is that he is entitled for back wages from the date of his promotion till the date of filing of the Original Application. We have perused the Order of the Tribunal. The Tribunal has specifically gone into the question whether the Applicant is entitled for backwages or not. Then after discussion, in para 6 of the Order, the Tribunal has held that no relief of backwages can be given to the Applicant in the facts and circumstances of the case.

7. Now the Applicant wants to argue us that the rejection of his claim was not justified and possibly wants us to review judgement of the Tribunal which we cannot do while exercising Review jurisdiction under Order 47 rule 1 CPC. The scope of Review is very limited viz. which there is apparent error on record or discovery of new material etc. review can be granted. No review can be asked for on the ground that the decision of the Tribunal

is erroneous or wrong and which requires reconsideration. If the Applicant is aggrieved by the Order of the Tribunal on the prayer for backwages, the Applicant should have approached the higher forum questioning the correctness and legality of the Order of the Tribunal. But he cannot approach the same Tribunal and ask for review presumably on the ground that the order is erroneous or wrong. We cannot decide the correctness of the order of a coordinate Bench of the Tribunal.

7. The Applicant has also filed an MP No.384/2000 asking for Interim Relief regarding his question of transfer etc. Now that we are disposing of Review Petition itself, MP/384/2000 for Interim Order does not survive and accordingly disposed of.

8. In the result the Review Petition is partly allowed as under:

(a) In para 6 of the Order of the Tribunal in O.A. No. 804/93 it is mentioned that "This application is filed in 1994." It should be read as "This application is filed in 1993."

(b) In para 8 of the Order of the Tribunal in O.A. No.804/93 it is mentioned "The Application is pending for nearly 4 years." Instead it should be read as "the Application is pending for nearly 6 years."

(c) M.P. No.384/2000 does not survive for the reasons already stated.

(d) No order as to costs.

Babulade

(B.N.Bahadur)

Member (A)

Ramdas

(R.G.-Vaidyanatha)

Vice-Chairman

sj*

27/6/00

order/Judgement despatched
to Chairman, Joint (s)
on 5/7/00

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