

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 920/93

Transfer Application No: --

25-10-93  
DATE OF DECISION

P.C. Kharge

Petitioner

Mr. S.P. Saxena

Advocate for the Petitioners

Versus  
U.O.I. & Ors.

Respondent

Mr. R.K. Shetty

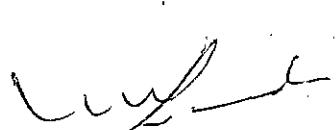
Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, V.C.

The Hon'ble Shri --

1. whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? NO
3. whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ? NO

  
(M.S. DESHPANDE)  
VC

NS/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.920/93

P.C.Kharge,  
56, Hule Road,  
Old Bazar, Kirkee,  
Pune - 411 003.

.. Applicant

-versus-

Union of India & Ors. .. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande  
Vice-Chairman.

Appearances:

1. Mr.S.P.Saxena  
Advocate for the  
Applicant.
2. Mr.R.K.Shetty  
Advocate for the  
Respondents.

ORAL JUDGMENT: Date: 25-10-93  
(Per M.S.Deshpande, V.C.)

The applicant who belonged to the Scheduled Caste community joined as L.D.C. with respondent No.3 on 7-7-1961. During the course of time he was promoted as UDC and he was considered for promotion as Assistant Cashier during the year 1969-70 and was empanelled by the DPC. The applicant refused to give his willingness to move outstations on promotion and asked the respondents to consider his case for promotion as Asstt. Cashier whenever a post arose at Kirkee. The applicant was empanelled twice and was to be promoted in the vacancies at Kirkee. Since he was not given promotion at Kirkee he approached the Tribunal. The Tribunal did not allow the application on the ground of limitation. The applicant thereafter applied for review which was not granted

and he approached the Supreme Court by Special Leave Petition which came to be dismissed on 24-4-90.

2. The applicant contents that by virtue of letter written by the then Prime Minister Shri Chandrasekhar to the Union Ministers, Chief Ministers and Governors on 2-1-1991 and the letter dtd. 23-1-91 a fresh cause of action ~~has~~ arisen to him as the cases of persons belonged <sup>ing</sup> to SC and ST had to be considered afresh. There is, however, nothing in either of these two letters which only expressed <sup>like it</sup> on the persons concerned and the authorities to have a fresh look on the grievance raised by the SC and ST candidates while considering their grievances. These letters do not give a fresh cause of action in respect of matters which have already been decided by the Tribunal and its decisions have become final.

3. There is no merit in the application and it is dismissed.

M

  
(M.S.DESHPANDE)  
Vice-Chairman

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

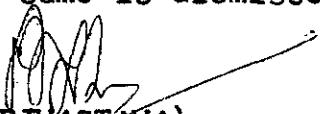
Union Of India & Others  
(By Advocate Shri R.K. Shetty) ... Respondents.

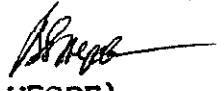
: O R D E R :

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 I 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, <sup>plea</sup> 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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