

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

Review Petition No.87/97 in  
Original Application No.887/94

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

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

Taufeeq Ahmed

... Applicant.

V/s.

Union of India and others.

Tribunals order on Review Petition No.87/97 by Circulation.

{ Per Shri B.S. Hegde, Member (J) }

Dated: 10.10.97

The respondents have filed this Review Petition seeking review of the judgement dated 27.8.97 and the order passed on the Contempt Petition No.19/97. The Tribunal while passing the order on Contempt Petition held that the respondents have not acted as per the directions of the Tribunal dated 7.2.96. In that order the Tribunal clearly mentioned that the Department has to examine the financial background of the family of the deceased before taking a decision in the matter of compassionate appointments. No such observations has been made while passing the order dated 30.9.96, by the respondents. Though we were of the opinion, that <sup>there was</sup> no wilful disobedience on the part of the respondents, <sup>mind and</sup> but there was non-application of <sup>mind and</sup> we directed the respondents to re-consider the case

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of the applicant for compassionate appointment keeping ~~in~~ <sup>in</sup> view the letter & spirit of our order. Action in this regard should be taken within a period of two months from the date of communication of this order. The Registry to place the C.P. on 10.11.97.

In the Review Petition, the learned counsel for the respondents have cited various decisions of the Supreme Court stating that the order passed by the Tribunal dated 27.8.97 <sup>is bad</sup> keeping in view of the observations of the Supreme Court. It is true, that the ultimate decision has to be taken by the Competent authority while rejecting the request of the applicant on the basis of the financial background of the family. No such observations has been made by the competent authority. Therefore, it is incumbent upon the respondents to consider the same and pass appropriate order. ~~On perusal of the Review application, we do not find any new points have been brought out or any new evidence which could not be brought at the time of filing the Contempt Petition. The only contention raised in the Review Petition is that in view of the decisions of the Apex Court, it is the discretion of the competent authority to consider the case on the basis of facts. Needless to mention, that the respondents are required to consider the directions of the Tribunal while passing the order dated 30.9.96. Therefore, we find neither any error nor any new facts have been brought to our notice calling for a review of the order passed in Contempt~~ On perusal of the Review <sup>that</sup> application, we do not find <sup>adduced</sup> any new points have been brought <sup>out</sup> or any new evidence <sup>which</sup> could not be brought at the time of filing the Contempt Petition. The only contention raised in the Review Petition is that in view of the decisions of the Apex Court, it is the discretion of the competent authority to consider the case on the basis of facts. Needless to mention, that the respondents are required to consider the directions of the Tribunal while passing the order dated 30.9.96. Therefore, we find neither any error nor any new facts have been brought to our notice calling for a review of the order passed in Contempt

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Petition. In the circumstances, we adhere to our decision earlier passed, and the respondents are required to pass appropriate order within the specified time.-

In the circumstances, the Review Petition is dismissed by circulation.

*M.R. Kolhatkar*

(M.R. Kolhatkar)  
Member (A)

*B.S. Hegde*

(B.S. Hegde)  
Member (J)

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*dat - 10/10/97*  
order ~~is~~ despatched  
to Appellate Tribunal (s)  
on ~~23~~ 31/11/97

*4/11/97*