

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Review Petition No.69/96 in
Original Application No. 393/94

T.M. Janbade

... Applicant.

v/s.

Union of India and another

... Respondents.

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

Tribunal's order on Review Petition by Circulation

Dated: 21-5-1986

In this Review Petition the applicant has challenged Tribunal's judgement in O.A. 393/94 decided on 12.10.95 read with subsequent clarification of the Judgement in M.P. 209/96 in the same O.A. decided on 7.3.96. It is the contention of the applicant that there were two grievances in respect of which the O.A. was filed. The first grievance related to delayed payment of pensionary benefits and the second grievance related to recovery of Rs.1,545/- on account of shortage of material. According to the applicant, the recovery was illegal as he was not given any opportunity to put forth his version by issue of a Show Cause Notice. There was no shortage of wooden handles at the time of handing over and taking over. In any case there is no evidence to show that the shortage pertains to the tenure of the applicant. He has also relied on the judgement of the Tribunal in O.A. 339/93 Shiv-Malher Sampatrao Bhosale V/s. Union of India and others. decided on 6.3.96, wherein the Railways had ordered recovery of Rs. 6516/- towards shortage of some material. This order was quashed on the ground that the applicant was not given any opportunity to put forth his version by issue of a Show Cause Notice.

: 2 :

2. I have considered the Review Petition. The scope of review jurisdiction is severely limited. There has to be some error apparent on the face of the record or there has to be some new material to warrant the review of the original judgement. In this particular case the parameters of review jurisdiction are not satisfied. It is stated that the applicant had no notice of shortage of material attributed to him but this is not borne out because at one stage the shortage was apprehended to the tune of Rs. 8,13,025/- vide para 2 of the judgement and thereafter on the basis of the representation, the fact finding committee scaled down the same to the amount of Rs. 1545/- Therefore the judgement cited by the applicant does not apply to the facts of this case.

3. The Review Petition has therefore no merit and is dismissed by circulation as provided under the Rules.

M.R. Kolhatkar
 (M.R. Kolhatkar)
 Member (A)

NS

Order/Judgement despatched
 to Applicant/Respondent(s)
 on 5/6/96

6/6/96