

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

OPEN COURT / PRE DELIVERY JUDGMENT / IN OA 493, 94.

by circulation in RP 83/94

Hon'ble Vice Chairman / Member (J) / Member (A)

may kindly see the above Judgment for

approval / signature.

MR. K. Chatterjee

V.C. / Member (J) / Member (A) (K/S)

11/8/94

Hon'ble Vice Chairman

Hon'ble Member (J)

Hon'ble Member (A) (K/S)

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PREScot ROAD, BOMBAY-1

REVIEW PETITION NO. 83/94

in
O.A. No. 493/94

Dr. H.D. Ramaiya

..Petitioner

v/s.

Union of India & Ors.

..Respondents

Coram: Hon. Shri Justice M.S. Deshpande, V.C.
Hon. Shri M.R. Kolhatkar, Member (A).

TRIBUNAL'S ORDER: (By circulation)
(Per: M.R. Kolhatkar, Member (A))

DATED: 11th August 1994

This review petition is directed against our order dated 10.6.94 in which we rejected the application on the ground that the creation of promotional opportunity is a policy matter. It is sought to be reviewed by the applicant by relying on the ratio of RAGHUNATH PRASAD SINGH Vs. SECRETARY, HOME (POLICE) DEPARTMENT, GOVERNMENT OF BIHAR AND ORS., [1988] 8 Administrative Tribunal Cases 220. The applicant has also urged that his case was heard ex-parte and there are cogent grounds as to why the applicant's advocate could not reach the Tribunal and this is also a ground for review.

We have considered the matter. The case of RAGHUNATH PRASAD SINGH related to employees of Wireless organisation and the appeal was dismissed on merits. But the Hon. Supreme Court by way of ~~obiter~~ Dicta, keeping in view three communications from the respondents which were part of the record indicating that there was no promotional opportunity in the wireless organisation, directed the State of Bihar to provide atleast two promotional opportunities to the officers of the State Police in the Wireless organisation. It is evident therefore that the Hon. Supreme Court exercised equitable jurisdiction in passing such order and therefore not an authority for issuing the directions prayed for by the applicant.

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The fact that the applicant's counsel did not and could not reach in time because of heavy rains is also not relevant because we have considered the case on merits after going through the pleadings of the applicant. The review petition is, therefore, without substance and is therefore rejected.

MR Kolhatkar

(M.R. Kolhatkar)
Member (A)

M.S. Deshpande
(M.S. Deshpande)
Vice Chairman

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