

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

REVIEW PETITION NO.: 07/98 IN O.A. No. 1234/93 AND
18/98 IN O.A. No. 38/94.

Dated this Friday, the 4th day of December, 1998.

CORAM : Hon'ble Shri Justice R. G. Vaidyanatha,
Vice-Chairman.

Hon'ble Shri D.S. Baweja, Member (A).

Ignatius Fernandes .. Petitioner in R.P. No. 07/98

Vimal K. Sharma & 3 Others .. Petitioners in R.P. No. 18/98.

Versus

Union Of India & Others .. Respondents.

: OPEN COURT ORDER :

I PER.: SHRI R. G. Vaidyanatha, Vice-Chairman

These are two review petitions filed by the original applicants for reviewing the order passed by the Division Bench of this Tribunal dated 29.10.1997 in O.A. Nos. 909/88, 1234/93, 38/94 and 244/94. We have heard Mr. Suresh Kumar, the Learned Counsel for the Petitioners and Shri V.S. Masurkar, the Learned Counsel for the Respondents.

2. As could be seen from the judgement of the Tribunal, the main point canvassed by the applicants was that, they need not appear for any test and they should be confirmed without undergoing any selection process. The Tribunal rejected that argument by referring to some decisions on that point. However, to safeguard the interest of the applicants who were

already on adhoc promotion, this Tribunal directed that they should be given three chances for appearing in the written test for their regularisation and till then, they should not be reverted.

3. Now, in the review petitions the applicants are again canvassing the same question that they need not appear for the written test and they are entitled to be confirmed or regularised in the post on the basis of their regular service for the past so many years. In our view, no new point is made out. There is no apparent error on record. The Tribunal has considered this point and rejected the same. We cannot sit in appeal over the correctness of the decision of the previous Division Bench. If the applicants are aggrieved by the order of the Tribunal, their remedy is elsewhere and not by way of review petition. Hence, we do not find any merit in the review petitions.

4. In the result, both the review petitions are rejected. No costs.

(D. S. Baveja)
Member (A).

(R. G. Vaidyanatha)
Vice-Chairman.

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01-4/14598
order/Judgement despatched
to App. Complainant(s)
on 12/12/98

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21/12

O/C Filed on. 02/12/98