

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
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Original Application No: 420/94

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DATE OF DECISION: 11.7.94

Shri Chacko Jacob, General Secretary Petitioner  
and others.

In person. Advocate for the Petitioners

Versus  
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Union of India.  
~~Chairman, Atomic Energy~~ Respondent  
Commission & NPC. Bombay.

Shri J.G. Sawant. Advocate for the Respondent(s)

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

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

1. To be referred to the Reporter or not ? *ml.*
2. Whether it needs to be circulated to other Benches of the Tribunal ?

*B.S. Hegde*  
(B.S. Hegde)  
Member(J)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 420/94

Bhabha Atomic Reserach Centre  
Highflux Reactor through  
Chacko Jacob, General Secretary.

... Applicants.

V/s.

Union of India through  
Chairman,  
Atomic Energy Commission &  
Nuclear Power Corporation,  
Anushakti Bhavan, OYC,  
C.S.M. Marg. Bombay - 400039.

... Respondent.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)  
Hon'ble Shri M.R. Kolhatkar, Member (A).

Appearance:

Applicant in person.

Shri J.G. Sawant, counsel  
for the respondents.

ORAL JUDGEMENT

Dated: 11.7.94

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

This O.A. has been filed by the applicants for setting aside the orders referred to in para 1.1 and 1.2, imposing the penalty of reduction by two stages in the concerned time scale of pay with cumulative effect for two years with effect from 1.1.93, issued by the Head Personnel Division, BARC to Plant Operators in the CIRUS & DHRUVA (ROD) vide order Ref. 7(90\_92, 94-96 & 98 - 107)92/Vig./2789 to 2804 dated 14.12.92. Order of communication Ref. PD/ROD(Strike) Estt/464 dated 3.2.93, issued by A.P.O., Personnel Division, BARC imposing a disson without break in service in the case of 119 Plant Operators in ROD. The applicants also prayed for Re-instatement of suspended officials S/Shri Chacko Jacob and S.Choudhari and awarding all the Plant Operators in ROD the appropriate pay scales that would be admissible to them in accordance with their relative degree of assignment. The applicants also prays for holding the period 11.6.92 to 25.6.92 as having spent on duty, by members of the applicant. etc.

The above order has been passed on 14.12.1992 to which he has filed an appeal. The appeal has been disposed of vide letter dated 15.3.93. Hence he filed this OA on 21.2.94.

The respondents in their reply opposed the admission of the OA on various grounds. It is submitted that the punishment imposed on the applicants has not been with cumulative effect. It is clear from the order itself. Besides this, the applicants have sought for plural remedies which is not permissible under Rule 10 of the CAT (Procedures) Rule 1987. However, the appeal of Shri Chacko has been disposed of by its order dated 13.6.92 is totally unrelated to the other two impugned orders mentioned in paras 1.1. and 1.2 of the application. However, it is stated that as far as Shri Choudhari is concerned he has already filed an OA 16/93 praying therein for revocation of the suspension order and for enhancement of the subsistence allowance which has been dismissed by this Tribunal by its order dated 11.6.93.

As far as Shri Choudhari is concerned the application is clearly barred by the principle of res-judicata and hence liable to be dismissed. However, when a query was made to the applicant as to whether appeal was made against the suspension order but no positive answer is given. The order has passed in 13.6.92 and the petition is filed in February 1994 and therefore the application is clearly barred by time and on that ground the petition is liable to be dismissed apart from merits. The contention of the applicants is

is incorrect and the punishment imposed by the respondents do not have cumulative effect and hence on perusal of pleadings and oral arguments, we are of the view, that there is no merit in the OA and the same is dismissed but with no order as to costs.

*M.R. Kolhatkar*

(M.R. Kolhatkar)  
Member(A)

*B.S. Hegde*

(B.S. Hegde)  
Member(J)

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BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

R.P. NO.: 114/94 IN O.A. NO.: 420/94.

Bhabha Atomic Research Centre  
Highflux Reactor Operators  
Association & Another

... Applicants

V/s.

Union Of India through  
Chairman,  
Atomic Energy Commission &  
Nuclear Power Corporation,  
Anushakti Bhavan, OYC,  
C.S.M. Marg,  
Bombay - 400 039.

... Respondent.

CORAM :

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

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

Order on Review Petition  
by Circulation.

Dated : 30.9.94

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

1. The applicants have filed this application seeking review of the judgement dated 11.07.1994 in O.A. No. 420/94. We have seen the Review Application and we are satisfied that the Review Application can be disposed of by circulation under Rule 17(3) of the Central Administrative Tribunal Procedure Rules, 1987 and we proceed to do so.

2. The applicants have sought review of the judgement on the following grounds :-

Firstly, that the applicants are governed by the provisions of the Sections 14(3) (f) and 17 (1) (c) and 17(3) of the Atomic Energy Act 1962. Therefore, the resort to CCS (CCA) Rules, so far as the applicants are concerned, is not valid and illegal.

Secondly, the punishment imposed on the applicants have been with cumulative effect.

Thirdly, that the Respondents have filed their written statement belately and they contend that the Tribunal ought not to have entertained the reply of the Respondents, etc.

The applicants cited various decisions, which have no relevancy to the issue involved in this O.A. and which has not been argued at the time of hearing.

3. Under Order 47 Rule 1 C.P.C., a decision/Judgement/Order can be reviewed only if :

- (i) it suffers from an error apparent on the face of the record;
- (ii) new material or evidence is discovered which was not within the knowledge of the parties or could not be produced by that party at the time the judgement was made, despite due diligence; or
- (iii) for any sufficient reason construed to mean analogous reason.

4. A perusal of the review petition makes it clear that none of the ingredients, referred to above, have been made out to warrant a review.

5. It is well settled that the scope of the Review Application is very limited and a Review Application is maintainable only if there is an error apparent on the face of the record or some new evidence has come to notice etc. Review Application cannot be utilised for re-arguing the case traversing the same ground. In the instant case, we do not find any new facts brought to our notice. The grounds raised in the Review Application are mere germane for an appeal against our judgement and not for review.

6. In view of the facts and circumstances of the case, we do not see any merit in the Review Application and the same is rejected in circulation.

*M R Kolhatkar*

(M. R. KOLHATKAR)  
MEMBER (A).

*B S Hegde*

(B. S. HEGDE)  
MEMBER (J).

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