

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

RP

order in (MP) 65/94

OPEN COURT / PRE DELIVERY JUDGMENT IN OA 488/94

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

may kindly see the above Judgment for

approval / signature.

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

Hon'ble Vice Chairman

Hon'ble Member (J)

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

P P Dandekar

P Dandekar

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, GULESTAN BUILDING NO. 6
PRESCOT ROAD, FORT, MUMBAI 400001.

REVIEW PETITION NO. 65/94 IN O.A. 488/94

Dated this 27/8 day of September 1996.

CORAM : 1) Hon'ble Shri B.S. Hegde, Member (J)
2) Hon'ble Shri P.P. Srivastava, Member (A).

Shri S.P. Kulkarni)
P.A. S.B.C.O.)
Ratnagiri Head Post Office)
(By advocate Shri A.G.)
Deshpande)) Applicant

v/s

1. Union of India,)
through Secretary,)
Ministry of Communica-)
tions, New Delhi.)
2. Director General)
Department of Posts)
New Delhi.)
3. Chief Postmaster)
General, Bombay.)
4. Postmaster General)
Goa Region, Goa)
5. Sr. Supdt. of)
Post Offices, Sangli)
(By Advocate Shri S.S.)
Karkera for Shri P.M.)
Pradhan, Central Govt.)
Standing Counsel)) Respondents

O R D E R

1 Per: Shri B.S. Hegde, Member (J) 1

The applicant has filed this R.P. seeking review of
the judgement dated 22-4-1994, in O.A. 488/94. The O.A.

was heard and decided by the Division Bench comprising of Mrs. Laxminathan, Member (J) and Shri N.K. Varma, Member (A). Since both these Members have been transferred to other Benches of the Tribunal, the Hon'ble Chairman, Principal Bench has nominated myself and Shri P.P. Srivastava, Member (A) to hear the R.P. Accordingly, the matter was heard on 23-9-96.

2. Heard Shri A.G. Deshpande for the applicant and Shri S.S. Karkera for the Respondents. The learned counsel for the applicant draws our attention to Section 20 of the A.T. Act according to which it is only in the event of rejection of an appeal or representation made by the said person in connection with grievnace and it has not said anything about the review petition as provided in Rule 29 of the CCS (CCA) Rules 1965; therefore, it is incumbent upon the Tribunal to modify the earlier order passed by the Tribunal. The Tribunal in the aforesaid order stated that under Rule 29 of the CCS (CCA) Rules, the applicant had the remedy of seeking a revision of the appellate order at a higher level. Since he has not exhausted such, we are not inclined to admit this case in view of these reasons. The application was rejected at the admission stage itself after hearing both the parties. Except the contention, that, the Section 20 of the Act does not stipulate any condition for review. In the Review Petition, the learned counsel for the applicant for review has not brought out any new facts to our notice. The

Respondents in their reply have taken a stand that the O.A. was heard on merits and after taking into consideration all the facts at the admission stage itself, the same was rejected. The O.A. having been dismissed on merit, the only remedy available to the applicant is to file an SLP before the Supreme Court rather than filing the present Review Petition.

Therefore, there is no merit in the R.P. The applicant has not brought out any error apparent on the face of the record and further the scope of the review is very limited and it is not open to the applicant to re-argue the case once again.

3. We have considered the rival contentions of the parties and heard them both. It is noticed that the applicant is trying to re-argue the O.A. by filing the R.P. The question is whether any error apparent on the face of the record has been made out in the Review Petition; no such plea has been taken except stating point of law which is required to be challenged before the competent Court of Law i.e. the Supreme Court. The applicant did not challenge the findings of the Tribunal in the higher forum, thereby the findings of the Tribunal is binding on both the parties. The Applicant has not made out any error apparent on the face of the record nor any new facts are brought to our notice recalling review of the original judgement. The grounds raised in the R.P. are more germane for an appeal against the judgement and not for the Review

(B)

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Petition. Therefore, the R.P. is liable to be dismissed and the same is hereby dismissed.

(P.P. Srivastava)
Member (A)

(B.S. Hegde)
Member (J)

ssp.

dd 27/9/96
order/Judgement despatched
to Applicant/Respondent (s)
on 6/10/96

④ 9/10/96