

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI:1

Review Petition No. 95/97 in
Original Application No. 1297/95.

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

Latikant Shetye and Ors. ... Applicants.

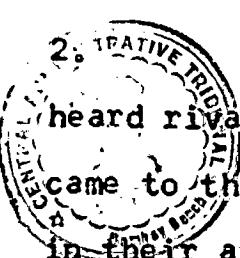
V/s.

Union of India and others. ... Respondents.

Tribunal's order on Review Petition by Circulation.

¶ Per Shri B.S. Hegde, Member (J) ¶ Dated: 28.11.97

The applicant has filed this Review Petition seeking review of the judgement dated 28.4.97 which has been received by the applicant on 9.5.97. The Review Petition has been filed on 18.8.97, admittedly a belated one. As per Rules 17 of the CAT Procedure Rules 1987, the Review Petition is required to be filed within 30 days from the date of receipt of the order sought to be reviewed.

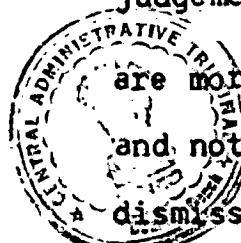

2, CENTRAL ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH
The matter heard at Panaji, Goa. Having heard rival contention of the parties, the Tribunal came to the conclusion that there is no illegality in their appointment as Preventive Officers and the same was done on the basis of the assessment of the DPC of all their CRs. Accordingly the O.A. was dismissed. Shri M.S. Ramamurthy appeared on behalf of the applicant and Shri Ravenkar appeared on behalf of the respondents. Whereas the Review Petition has been signed by Shri S. Natarajan

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and not by Shri Ramamurthy. Even in the condonation of delay petition filed by the applicant, no ~~Sub. (prelim)~~ possible reasons was given for condoning the delay in filing the Review Petition except stating that it took some time for getting legal opinion from Bombay Advocate and the petitioners were under the impression that the Review Petition was to be filed within three months. The applicant was well aware of the judgement. Besides that, the applicant has not made out any point for re-consideration either on the point of error on the face of the record nor any new facts have been brought to our notice for calling review of the judgement. The Review Application cannot be utilised for rearguing the case on the same ground. The Apex Court in the case of Chandra Kanta and Another V/s. Sk. Habib AIR 1975 Vol. 62 SC 1500 wherein it was held that "Once an order has been passed by this Court, a review thereof must be subject to the rules of the same and cannot be lightly entertained. A review of the judgement is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition through different counsel of old and over-rules arguments, a second trip over ineffectually covered ground or minor mistake of inconsequential import are obviously insufficient."

15/07/47

3. In the light of the above, we find that neither any error apparent on the face of the record has been pointed out nor any new facts have been brought to our notice calling for a review of the judgement. The ground raised in the Review Petition are more germane for an appeal against our judgement and not for review. The Review Petition is, therefore, dismissed, both on the grounds of limitation as well as on merits.



S.C.
(P.P. Srivastava)
Member (A)

NS

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

Certified True Copy
Date 8/1/1947

Benny
Section Officer
Central Admn. Tribunal
Bombay Bench

No. C.A.T./Central J.D.C./C.A. 1294, Date: 8/1/1947

COPY TO:

Recd. 1) Shri S. N. Naik, Counsel for the respondent
2) Shri S. R. Riwankar, Addl. Central Sessions
Court, 11/ Tatyasaheb Aptt., 1st floor, New
Municipal Market, Panaji (Ra. 403 001).

Benny
S.C.

Despatched on 8/1/1947

Despatched