

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

REVIEW PETITION NO. 7/96 IN O.A. NO. 1260/95 AND 1326/95.

Dated, this 26 the 1 day of May, 1996.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

HON'BLE SHRI M. R. KOLHATKAR, MEMBER (A).

Shubhangi S. Kulkarni & Others ... Applicant

VERSUS

Union Of India & Others ... Respondents

Tribunal's order by circulation :

1. This R.P. is filed by the applicants seeking review of the judgement dated 18.03.1996.

2. Having perused the R.P., we are satisfied that the R.P. can be disposed of by circulation under Rule 17 (iii) of the C.A.T. (Procedure) Rules, 1987. The applicants have sought review of the judgement on the following grounds :

That the applicants were continuously working in the grade of Rs. 950-1500 till they were permanently absorbed in the grade and thereby, they are entitled to continue in the grade. Thus the reversion order is bad in law.

3. Needless to repeat, in this R.P. the applicants are challenging the very same Reversion Order passed by the respondents vide dated 13.01.1993, which has been decided by this Tribunal in O.A. No. 678/90, in which the applicant no. 2 of O.A. 1260/95, was a party to the said petition and the

applicants have been regularised in Group 'D' category in the grade of Rs. 750-940. It came on record that the applicant was engaged as Casual Telephone Operator in casual capacity on Railway Electrification Project of Nagpur. The adhoc promotions were given to them on project level for a temporary period. After the completion of the project, since there was no work, they were reverted to the cadre of casual labour. The department had two alternatives, either to revert them or to divert them to other projects and they called for options but the applicants had not given their options outside Nagpur project, thereby, they were reverted. Accordingly, the Tribunal did not find any merit in their contentions and rejected the O.As.

4. The R.P. can be entertained where some mistake or error apparent on the face of the record is found and also on any analogous ground in view of Order 47 Rule 1 of C.P.C. The same cannot be expressed on the ground that the decision was erroneous on merits. In this petition, the applicants challenged the findings of the Tribunal, in that event, they can challenge the findings of the Tribunal by filing an appeal and not through Review Petition. The grounds raised in the R.P. are more germane for an appeal against the judgement and not for review. Accordingly, we find that there is no merit in the R.P. and the same is dismissed.

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

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