

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Review Petition No.13/2002  
in  
Original Application No.1265/95.

Dated this Thursday the 30th Day of May, 2002.

Hon'ble Shri Justice Birendra Dikshit, Vice Chairman  
Hon'ble Smt.Shanta Shastry, Member (Administrative).

Shri E.K. Bansode

.. Petitioner

(By Advocate Shri V.M. Bendre ).

Vs.

Union of India & Others.

.. Respondents

Order on Review Petition (Oral)  
{ Per : Smt.Shanta Shastry, Member (A) }

This Review Petition has been filed by the applicant in O.A.No.1265/1995 which was decided on 25.9.2001. The O.A. was dismissed with cost of Rs.1000/- to be paid to the respondents.

2. The grounds taken for review are that the applicants were represented by Shri V.M. Bendre as their Advocate. Whereas the appearance of Advocate, Shri I.J. Naik has been wrongly recorded. This being an error apparent on the face of the record, needs correction. Secondly, the applicants have submitted that the respondents interpreted the judgments of the Bangalore and Hyderabad Bench wrongly. The respondents produced the false and fabricated seniority list and suppressed the original seniority list. The Tribunal failed to consider the Misc. Application No.756/96, no decision

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was given on it. The applicant has also pointed out that the private respondents were at all times junior to the existing incumbents of Tradesman-A and this aspect has not been considered.

3. We have considered the grounds taken by the review petitioners. So far as recording of the name of Advocate, Shri I.J. Naik instead of Shri V.M. Bendre is concerned, we agree that the same needs to be corrected, as Shri V.M. Bendre had argued the matter and accordingly we are correcting it in the original judgment.

4. So far as other grounds taken are concerned, we find that the the review petitioner is only trying to repeat the arguments that had already been advanced by him during the course of the hearing of the O.A. and these were considered and the matter was decided. Even if an erroneous view was taken by this Tribunal that could not be the ground for review. Therefore, in the absence of any patent error on the face of the record, in our considered view, no review is called for in this matter except for correcting the name of the advocate.

5. This review petition has been filed on 28.1.2002 whereas the decision in O.A. was given on 25.9.2001, the review application has to be filed within 30 days of the

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receipt of copy of the judgment, this has therefore been badly delayed. The review petitioners have submitted in para 13 of their petition that the copy of judgment was posted to Shri I.J. Naik wrongly and Shri I.J. Naik returned the copy to the Tribunal instead of <sup>h</sup>Shri V.M. Bendre, who had argued the same. The respondents on receipt of the copy informed the petitioner that his application has been rejected. Thereafter the petitioner moved the Tribunal to obtain a copy of judgment which he received on 16.1.2002 and therefore, according to the petitioner, the review is within the stipulated time. Considering the confusion in recording the presence of the Advocates, the delay is condoned. However as already pointed out, on merits, the review petition being devoid of merit is rejected except for the correction in regard to the name of the Advocates.

*Shanta f-*

( Smt. Shanta Shastri )  
Member (A)

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*B. Dikshit*

( Birendra Dikshit )  
Vice Chairman.

*dt: 30.5.2002.*  
**Order/Judgment** despatched  
**to Applicant/Respondent (s)**  
**on** *2.7.2002.*

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