

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

REVIEW PETITION NO.: 2/96 IN O.A. NO.: 1413/95.

Dated, this 28th, the _____ day of August, 1996.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).
HON'BLE SHRI M. R. KOLHATKAR, MEMBER (A).

Sudhir Ramkrishna Rukmangad ... Applicant

Versus

Union Of India & Others ... Respondents.

Tribunal's order by circulation :

This Review Petition is filed against the decision of the Tribunal dated 11.03.1996 seeking review of the judgement. We have perused the review petition and found that the applicant has raised the very same plea in the R.P. as in the O.A. i.e. revaluation and reverification of marks. In this connection, it is relevant to note the observation of the Tribunal stating that as per rule, the applicant is required to secure in each part, 40% in each subject and 45% in the aggregate, whereas, the applicant secured only 19 out of 100 in Paper VII and 75 out of 150 in Paper VIII, which is less than the required prescribed minimum percentage of passing marks. Accordingly, the O.A. was dismissed on merits.

2. In the light of the above, and in view of Order 47 Rule 1 of C.P.C., it is not open to the applicant to raise once again the very same point by way of Review Petition, which cannot be utilised for re-arguing the case on the

same ground. Since the applicant has not raised any new points or evidence, which was not within his knowledge at the time of filing the O.A., the R.P. is not maintainable.

3. In the result, we do not find any 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).

OS*

order/Judgment despatched
to Applicant respondent(s)
CA 5-9-96

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