

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

R.P.No. 26/02 in  
PRE DELIVERY JUDGEMENT IN OA.NO. 1075/95.

Hon'ble Vice Chairman / Member (J) /

~~Member (A)~~ may kindly see the above judgement for  
approval / signature.

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

Hon'ble Vice Chairman

Hon'ble Member (J)

Hon'ble Member (A)



mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

R.P.No.26/02 in OA.NO.1075/95

Dated this the 6<sup>th</sup> day of August 2004.

CORAM : Hon'ble Shri A.K.Agarwal, Vice Chairman

Hon'ble Shri S.G.Deshmukh, Member (J)

Y.K.Bansal

... Applicant

By Advocate Shri K.Ahmed

vs.

Union of India & Ors.

... Respondents

By Advocate Shri R.R.Shetty

O R D E R

{Per : Shri A.K.Agarwal, Vice Chairman}

This Review Petition has been filed seeking review of the order dated 31.10.2001 passed while disposing of OA.NO.1075/95. The petitioner has mentioned following grounds for reviewing the earlier order :- (a) The Chief Administrative Officer of Heavy Water Board was not competent to file Affidavit on behalf of the respondents. (b) The Tribunal in para 5 of its order dated 31.10.2001 has held that the applicant is entitled to the inspection of following ACRs for the years 1961-1995 and proceedings of the DPC held for the selection and promotion to Grade 'G' and 'H' during the years 1985-1995. The Tribunal had dismissed the OA. without giving any opportunity to the

petitioner for the inspection of the said documents. (c) The applicant in the OA. had levelled allegations of personal bias and prejudice on the part of the Respondent No.4 and he has been denied promotion solely on account of adverse entries given by such officers.

2. The learned counsel for the petitioner pleaded that the petitioner was denied promotions and despite the directions of the Tribunal, the latest ACRs were not shown to him.

3. The learned counsel for the respondents stated that the relevant documents were produced before the Tribunal for its perusal and the Tribunal was convinced that no injustice has been done to the applicant and therefore disposed of the OA.

4. On perusal of the record, we find that the petitioner had filed Contempt Petition stating therein that despite the specific direction of the Tribunal, the records have not been shown to him. This C.P.No.88/02 was disposed of vide order dated 12.12.2002 holding that in the order of the Tribunal dated 31.10.2001 there was no direction by the Tribunal to the respondents to make available the documents to the applicant whenever he wanted the same. There was only a declaration of his entitlement. The Contempt Petition was dismissed and notice issued was discharged.

5. We also notice from the records that the order of the Tribunal dated 31.10.2001 was challenged before the High Court by the respondents in so far as it related to issuance of direction for grant of inspection on confidential documents to the petitioner. The High Court while disposing of W.P.No.2949/02 observed as follows :-

"In our opinion the direction of the Tribunal for inspection of his Confidential Record is not warranted in the facts and circumstances of the case. We, therefore, set aside the direction of the Tribunal for inspection of the record."

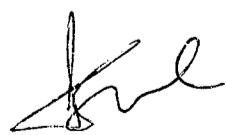
6. The review of any judicial order is done to correct any error apparent on the face of record. A review is by no means an appeal in disguise. As held by Apex Court in Chandrakanta & Anr. vs. Shaikh Hebib, AIR 1975 SC 1500, "a review of a judgement is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility."

7. We do not see any such error apparent on the face of record. Moreover, on the issue of inspection of documents, the petitioner had filed a contempt petition which was dismissed. Further, the High Court has also quashed that portion of the Tribunal's order which related to the inspection of records.

8. In view of the facts indicated above, we do not find any merit in this Review Petition. The Review Petition is dismissed accordingly.

  
(S.G. DESHMUKH)

MEMBER (J)

  
(A.K. AGARWAL)

VICE CHAIRMAN