

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG.NO.6, PRESCOT RD, 4TH FLR,

MUMBAI - 400 001.

REVIEW PETITION NO.39/97 in

O.A. No. 1385/95.

DATED THIS 15th DAY OF July 1997.

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

Hon'ble Shri P.P.Srivastava, Member (A).

Srinivas Dasrath Mokal,
Room No.6, Patil Galli,
Ganesh Sadan, Sion Chunabhati,
Mumbai - 400 002.

... Applicant.

V/s.

Chief Commissioner of Income Tax,
3rd Floor, Aayakar Bhavan,
M.K.Road,
Mumbai - 400 020.

... Respondents

! ORDER BY CIRCULATION !

! Per Shri B. S. Hegde, Member(J) !

Applicant has filed this review application seeking review of judgement dated 27/2/96 whereby the services of the applicant was terminated in terms of Rule 5 of the Central Civil Services (Temporary Rules), 1965

" that his services shall stand terminated with effect from the date of expiry of a period of one month from the date notice is served on him."

Though the applicant was posted as Staff Car Driver in 1994, his services have been terminated from 1/11/95. Though he made representation against the termination, the same was considered and rejected by respondents vide their letter dated 27/11/95. The termination order was issued by respondents terminating the services of the applicant and the Tribunal upheld the order passed by respondents in view of the ratio laid down in State of U.P. v/s. Kaushal Kishore Shukla [JT 1991 (1) SC] 108].


On perusal of the review petition, we do not find

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that the applicant has made out any fresh case for reconsideration he has only stated that he has come across a document published by the respondent under the caption "Eligibility List for Confirmation in the grade of Watchman/Sweepers, Staff Car Drivers, etc dated 5/7/96 in which the applicant is shown at Sr.No.5. Therefore, dismissal of the OA by the Tribunal was not justified and that the OA needs to be reviewed in the light of the fresh materials emanated from respondent himself. No such order has been filed by the applicant in support of his contention. Even if his name appeared in the eligibility list, since his conduct was found to be unsatisfactory, it is open to the respondents to terminate his services under CCS (Temporary) Rules, 1965. The case made out in the review petition is fit for preferring an appeal rather than filing a review petition.

The parties are aware that the scope of review petition is very limited unless discovery of new and important matter, after exercise of due diligence, which was not known to the applicant at the time of the filing of OA, it can be exercised where some mistake or error apparent on the face of the record is found. It may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a Court of appeal. In the light of the above, we do not find any merit in the review petition and the same is dismissed by circulation.


(P.F. SRIVASTAVA)
MEMBER (A)


(B. S. HEGDE)
MEMBER (J)

abp.

15-7-97
order/Judgement despatched
to Applicant/Respondent (s)
on 28-2-97

29/1/97