

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

R.P.No.2005/2002 in OA.NO.40/97

Dated this the 25<sup>th</sup> day of June 2002.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Hon'ble Smt.Shanta Shastry, Member (A)

Krishna Namdeorao Barahate

...Applicant

vs.

Union of India & Ors.

...Respondents

TRIBUNAL'S ORDER

{Per : Shri S.L.Jain, Member (J)}

The applicant in OA.NO.40/97 which was decided vide order dated 17.1.2002, the copy of which was received by him on 25.2.2002 has filed this Review Petition on 7.3.2002.

2. The grounds on which the Review Petition is filed are that the Tribunal failed to take into consideration the letter dated 20.1.2000 which is filed along with M.P.No.2112/2000, the reply of the respondents that the Ordnance Factories Staff College is in sympathy with the question of career progression of the applicant and the case has been taken up with Ordnance Factory Board, Calcutta to allow one post of O.S. Grade-I as one time dispensation, so that stagnation of the applicant can be avoided, and treating the OA. that it suffers with the defect of non joinder of necessary parties.

*P.L.M.*

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3. After careful consideration of the Review Petition, we are of the considered opinion that letter dated 20.1.2000 is prospective in operation, sympathy of one can not be a ground to create a right in favour on one who does not have it and the principle of joinder of parties is well settled that a person is said to have been joined when he is impleaded.

4. There is no merit in the Review Petition as the case of the applicant is not covered under any of the criteria mentioned in Order 47 Rule 1 C.P.C., as there is no error apparent on the face of the record which is the ground agitated by the Review Petition.

5. In the result, Review Petition deserves to be dismissed and is dismissed accordingly.

*Shanta Shastri*

(SMT. SHANTA SHASTRY)

MEMBER (A)

*S.L. Jain*

(S.L. JAIN)

MEMBER (J)

mrj.

dt: 25.6.02.  
Order/Judgement despatched  
to Applicant/Respondent (s)  
on 1.8.02

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*6/8*