

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

R. P. NO.: 06/99 IN O.A. NO.: 187/97.

Dated this Friday, the 4th day of June, 1999.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

Dr. Divakar Tripathi ... Original
(By Advocate Shri G. K. Masand) Applicant
V/s.

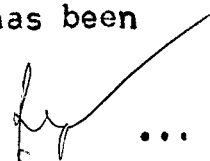
Union Of India & 4 Others ... Respondents.
(By Advocate Shri V. S. Masurkar)

Thakorlal S. Parekh ... Review Petitioner
(By Advocate Shri R. R. Shetty) (third party)

OPEN COURT ORDER

! PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN !

This is a review petition filed by the third party seeking review of the order of the Tribunal dated 24.09.1997 in O.A. No. 187/97 to which one of us was a party (Shri Justice R. G. Vaidyanatha). The applicant has taken number of grounds to say that the view taken in the said order requires re-consideration. The Learned Counsel for the original applicant, Shri G. K. Masand, opposes the review petition. After hearing both the sides we feel that no case is made out for granting review. Admittedly, the present petitioner, Shri T. S. Parekh, was not a party to the original application. Further, the order was passed in the original application on 24.09.1997 and the present R.P. is filed about more than one year and three months after that order. Therefore, the said order has become final as between the parties to the application and what is more, the order of the Tribunal has been

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Admission

implemented by the Tribunal by giving promotion to the original applicant. No doubt, the present review petitioner is aggrieved by the grant of promotion to the original applicant in pursuance of the Tribunal's Order dated 24.09.1997.

2. In view of the law declared by the Apex Court in K. Ajit Babu V/s. Union Of India & Others reported in 1997 (5) Scale 83, if a party is aggrieved by the judgement of the Tribunal, he can file a fresh original application and if he persuades the Tribunal that the previous decision is wrong or requires reconsideration, then the Tribunal can refer the question to a larger Bench. However, if the Tribunal is not persuaded to take a different view, then it can dismiss the original application by following the previous decision. Now in the present case, the present review petitioner has already filed an O.A. No. 32/99 wherein he has questioned the correctness of the judgement of this Tribunal and wants re-consideration of the judgement. Therefore, it is open to the applicant to persuade this Tribunal in O.A. No. 32/99 to re-consider the earlier decision dated 24.09.1997 in O.A. No. 187/97. If the Tribunal accepts his contention, then we can refer the question to a larger Bench. If ^{we} they do not accept any contentions in the O.A., then the O.A. fails. In view of this circumstances, we feel that no useful purpose will ^{be} served by admitting this review petition.

3. In view of the above reasons, R.P. No. 6/99 is disposed of without prejudice to the rights of the applicant and subject to the observations mentioned above. In view of this order, M.P. No. 99/99 does not survive and accordingly disposed of.

D.S. Baweja
(D.S. BAWEJA)
MEMBER (A).

R. G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE-CHAIRMAN.