

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

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

MUMBAI - 400 001.

R.P.NO.14/98 in  
MP.NO.284/98 in/O.A. No.390/97.

DATED THE 29TH APRIL, 1998.

CORAM : Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman

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

Mukund Keruji Chougule,  
Assistant Director,  
Industrial Hygiene,  
C/O.the Directorate General,  
Factory Advice Service and  
Labour Institute,  
Sion, Mumbai - 400 022.

... Applicant.

By Advocate Shri D.V.Gangal.

V/s.

Union of India through the  
Secretary,  
Ministry of Labour,  
Shastri Bhavan,  
New Delhi - 110 001.

The Director General,  
Factory Advice Service  
and Labour Institute,  
Sion, Mumbai - 400 022.

Smt. Mangala Kiran Mandre,  
Assistant Director,  
(Industrial Hygiene),  
Labour Institute, Sion,  
Mumbai - 400 022.

... Respondents.

By Advocate Shri R.K.Shetty.

I O R D E R I

I Per Shri R.G.Vaidyanatha, V.C. I

This is a review petition filed by applicant  
against the order dated 1/12/97 passed by Hon'ble Member  
of this Tribunal.

Though earlier Hon'ble Administrative Member  
Shri P.P.Srivastava was nominated to hear this review, today  
I myself and Hon'ble Member Shri P.P.Srivastava have heard  
this review petition in a Division Bench.

We have heard the learned counsel for the  
Applicant Shri D.V.Gangal, in support of review petition.  
In this review petition, the petitioner is challenging the

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legality and correctness of the order dated 1/12/97.

Number of grounds in support of review petition have been given. These grounds are that the previous Hon'ble Member who decided the OA No.390/97 was prejudiced and biased against the applicant. Then it is argued that inspite of a request made, the matter was not transferred to Division Bench inspite of rule in that behalf, that the learned Member did not frame issues for consideration while passing the order. Some comments were made on merits of the case and therefore it is argued that the order is bad on merits.

After hearing the learned counsel for applicant, in our view, it does not come within the realm of reviewing the order. The grounds may be good but it is to be decided by Appellate Court or Higher Court.

Therefore, in our view, on above grounds, the review petition cannot be maintained and is liable to be rejected summarily. For the above reasons RP is rejected as not maintainable. No costs.

In view of the disposal of the RP as not maintainable, all the MPs filed in this case namely MP Nos.67/98, 248/98 and 284/98 do not survive under consideration and are disposed of accordingly.

At this stage, the learned counsel for applicant prays for extention of Interim order which is in force till 30/4/98, for some more time. After hearing both the sides, we do not find any ground to grant extension of time. Oral prayer is rejected.

(P.P.SRIVASTAVA)  
MEMBER (A)

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

abp.

*ed 29/4/98*  
order/Judgement despatched  
to Applica<sup>n</sup>t/ Respondent (s)  
on 11/6/98

*8  
15/6/98*