

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

R.P. No: 52/98 in O.A. No. 653/97, R.P. No.:53/98 in O.A. No. 652/97 and R.P. No: 54/98 in O.A. No. 654/97.

Dated the 9th day of October, 1998.

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

Hon'ble Shri D. S. Baweja, Member (A).

Shri R. Balasubramaniam ... Applicant in O.A. No. 652/97.
Shri M. M. Gupta. ... Applicant in O.A. No. 653/97.
Shri B. Arunachal Rao ... Applicant in O.A. No. 654/97.

VERSUS

Union Of India & Others ... Respondents.

And

Chandra Gupta Tiwari,
D.G.M., Mulund Telephone,
M.T.N.L.

Residing at -

Shivaji Park,
Telephone Exchange,
Quarter No. 2,
Anant Patil Road,
Dadar (W),
Mumbai - 400 028.

... Review Petitioner.
(Original Respondent No. 9)

ORDER ON CIRCULATION

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



These are three Review Petitions filed by Respondent No. 9 in all the three original applications in respect of our common order dated 19.08.1998 in O.A. Nos. 652/97, 653/97 and 654/97. We have perused the Review Petitions and the entire records.

2. Many of the grievances made in the Review Petitions are on the merits of the case, which cannot be

re-agitated again in the form of a review petition. The scope of review petition under Order 47 Rule 1 C.P.C. is very limited. If there is any apparent error on record or for any other reasons as mentioned in Order 47 Rule 1 C.P.C., the power of review can be exercised. A review petition cannot be filed to show that the order passed by the Tribunal is wrong or that the reasoning given is wrong. If the order of a Court or Tribunal is wrong, the remedy is by way of an appeal before the appropriate forum. Hence, the review petitions so far as it touches the question of merits of the judgement, it does not come within the parameters of Order 47 Rule 1 C.P.C.

3. One of the points raised in the review petitions is ^{now} for the vacancies of 1991-92, the relevant date is 01.10.1991 and the seniority list on that date must be considered for promotion. The D.P.C. has to consider the relevant date as per rules and as per Government orders for fixing the zone of consideration for the vacancies of a particular year. We have not expressed any opinion on this point on the R.F. and, therefore, we leave it to the D.P.C. to decide the date on which the seniority list should be considered for the vacancies of a particular year.

Another grievance made out is that the same yardstick which applies to the vacancies of 1991-92 should apply to the subsequent years also. There cannot be any dispute on this point and we have made it very clear in the order that for all the vacancies

of 1991-92 and subsequent years, year-wise vacancies has to be taken into consideration and seniority of the officers of the relevant vacancy year must be considered for fixing the zone of consideration.



Since this point is already covered by the judgement, there is no necessity of reviewing our judgement.

4. For the above reasons, the Review Petition is rejected by circulation.

(D. S. BAVEJA)
MEMBER (A)

(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

Certified True Copy
Date

OS*

Section Officer
Central Admn. Tribunal

No. CAT/BOM/JUDL/OA653/97,
652/97,
654/97

Date: 11/10/98

Copy to:

- 1) Shri S. P. Kulkarni, Counsel for applicant in OA 652/97 & OA 654/97.
- 2) Shri S. S. Karkare, Counsel for applicant in OA 653/97.
- 3) Shri V. S. Masurkar, Counsel for Resp. No. 1 to 2 in OA 652/97 & 654/97.
- 4) Shri P. M. Pradhan, Counsel for Resp. Nos. 1 & 2 in OA 653/97.
- 5) Shri C. M. Zha for respondents No. 3 in all cases.

S.O.