

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

REVIEW PETITION NO.: 1 of 2000

IN

ORIGINAL APPLICATION NO.: 341 of 1998.

Dated this Friday, the 6th day of October, 2000.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

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

Mafiu1 Hussain, I.F.S., ... **Applicant.**

(By Advocate Shri S. N. Pillai)

V/s.

Union of India & Ors. ... **Respondents.**

(By Advocate Shri V. S. Masurkar)

TRIBUNAL'S ORDER

Learned Counsel on both sides have been heard. At the initial stage, Shri V. S. Masurkar points out that he has not received a copy of the M.P. However, as a copy was provided for perusal in the Court, this objection stands withdrawn by him.

2. We have heard Shri S. N. Pillai on the Review Petition filed. One of his main ground is explained in para 7 of the Review Petition. Here he quotes the Roznama Order dated 17.09.2000 and takes the plea that the O.A. was decided without a copy of the reply of Respondents being served on him. We have heard the Learned Counsel, Shri V. S. Masurkar also in the matter who argues that this cannot be a ground for Review and claims that the reply was served on him and in any case, when the case was decided finally on merits, this cannot be an acceptable argument. He reiterates that this is also not a matter which can be agitated in a Review Petition.

3. It is seen from the order in the O.A. dated 29.10.1999 that the orders have been passed on merits, albeit in the absence of the Applicant/his Learned Counsel. This absence has been noted in the Order. Be that as it may, as is well known, the scope in a Review Petition is very limited. We do not find any error apparent on the face of the record nor is this a case where any new fact has come to light. In the circumstances, the argument taken by the Applicant cannot be accepted and it cannot be an argument in a Review Petition. He may well be aggrieved on the ground that he takes but that cannot be agitated in a Review Petition. It may be a cause for agitating through other means available to him as per law. Hence, the Review Petition is hereby rejected.

8/10/99
(S. L. JAIN)
MEMBER (J)

B.N. BAHADUR
(B.N. BAHADUR)
MEMBER (A).

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06/10/99
Order/Judgement despatched
to Applicant/Respondent(s)
on 29.10.1999

4/10/99