

(b2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

REVIEW PETITION NO.88 of 1992

IN

O.A.NO.988/91

DATE OF JUDGMENT: 20/6 AUGUST, 1992.

BETWEEN:

Mr. Jay Kumar .. Applicant

AND

1. The Chief Postmaster General,
Andhra Pradesh Circle,
Hyderabad.
2. The Director of Postal Services,
O/o PMG Andhra Circle,
Hyderabad.
3. The Sr. Superintendent of Post Offices,
Hyderabad City Division.
4. The Sr. Post Master,
Hyderabad GPO,
Hyderabad. .. Respondents

COUNSEL FOR THE APPLICANT: Mr. S.D.Kulkarni

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, Addl.CGSC

CORAM:

Hon'ble Shri C.J.Roy, Member (Judl.)

contd....

.. 2 ..

JUDGMENT OF THE SINGLE MEMBER BENCH DELIVERED IN CIRCULATION
BY THE HON'BLE SHRI C.J.ROY, MEMBER (JUDICIAL)

This is a Review Petition filed by the applicant under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, to review the Judgment dated 9.7.1992 passed in O.A.No.988 of 1991 rejecting the case of the applicant for compassionate appointment. The contention of the applicant is that the Tribunal has not considered the fact that his father was having 13 years more service at the time of his death in 1987 and the benefit of compassionate appointment is extended to the son of the Government servant retired on medical grounds having more than 3 years of service. He states that as per the instructions issued by the Director General (P), Ministry of Communications, Dept. of Posts vide D.O. dated 17.10.88 the request for compassionate appointment can be made even there is one earning member in the family. Hence this Review petition.

2. None of the grounds raised in the Review Petition would, in my view, come within the scope of the review. The Supreme Court, in AIR 1975 SC 1500 (Chandra Kanta Vs. Sh. Habib) held as follows:-

"The review of a judgment is a serious step and reluctant resort to it is proper only where the glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility....."

.. 3 ..

The Supreme Court in AIR 1979 SC 1047 (A.T.Sharma Vs. A.P.Sharma & Ors.) further held as follows:-

"But there are definite limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal."

In the instant case before us, the Review Petition does not disclose any such glaring omission or patent or grave mistake and on the other hand, as stated supra, the grounds raised seek to attack the order under review on the ground that wrong assumptions and conclusion have been arrived at or to re-agitate matters already argued at length. The power of the Tribunal to review its orders is akin to the power under Order 47, Rule 1 of CPC and can be exercised only:-

- i) when any new and important material or evidence is discovered which was not in the knowledge of the applicant or which could not be produced at the time when the final judgment was pronounced;

contd....

W

.. 4 ..

- ii) when there is any mistake or error apparent on the face of the record; and
- iii) for any other sufficient cause."

3. In the instant case, none of the grounds specified in the said provisions would be applicable. I, therefore, find no valid grounds for reviewing my order dated 9.7.1992 passed in O.A.No.988/91.

4. The Review Petition is accordingly dismissed with no order as to costs.

usury
(C.J.ROY)
Member (Judl.)

Dated: 20 August, 1992.

25/8/92
Dy.Registrar (Judl.)

Copy to:-

1. The Chief Postmaster General, Andhra Pradesh Circle, Hyderabad
2. The Director of Postal Services, O/o PMG Andhra Circle, Hyd.
3. The Sr. Superintendent of Post Offices, Hyderabad City Divn.
4. The Sr. Post Master, Hyderabad GPO, Hyderabad.
5. One copy to Sri. S.D.Kulkarni, advocate, "Neel-Rekha" 99 P&T colony, Trimulgherry, Hydbad-15.
6. One copy to Sri.N.V.Ramana, Addl. CGSC, CAT, Hyd-bad.
7. One spare copy.
8. *one copy to H.C.J.Roy (J)*

Rsm/-

R.P. 82792

in
O.A. 928791

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 20/8/1992

ORDER / JUDGMENT

R.A. / G.A. / M.A. No. 82792

in

O.A. No.

928791

T.A. No.

(W.P. No. _____)

Admitted and interim directions
issued

Allowed.

~~Disposed of with directions~~

~~Dismissed~~

Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

~~No orders as to costs.~~

pvm.

