

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

P R E S E N T

The Hon'ble Shri R.Balasubramaniam, Admv. Member

and

The Hon'ble Shri S.Santhanakrishnan, Judicial Member

R.P.No.90/91 in OA No.  
931/91

DATE OF ORDER: 27.12.1991.

BETWEEN:

B.Ravindra

Petitioner/Applicant

Vs.

The SDO, Telecom  
Dharmavaram - 515 672

The Telecom District Manager  
Anantapur - 515 050

The Chief General Manager  
Telecom , AP, Hyderabad -1

Respondents/Respondents

The Director General  
Telecom rep. by  
Union of India  
New Delhi - 110 001.

Counsel for the applicant Mr. C.Suryanarayana

Counsel for the respondents Mr.N.V.Ramana, ~~Adv. C.A.~~

(Order pronounced by the Hon'ble Shri S.Santhana  
Krishnan, Judicial Member)

In this application ~~under~~ Section

22.3(f) of the Administrative Tribunals Act

read with 17 of the C.A.T.(Procedure) Rules,

1987, the applicant requires this Tribunal to

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review its order dated 14.10.1991.

The applicant cannot be heard to say in this review application that the limitation imposed in Rule 17 of the CAT(Procedure) Rule 1987, and the provisions in Rule 17.(3) giving powers to the Tribunal to dispose of the application by circulation as illegal and against the principles of natural justice. If the applicant feels that these rules are violative of any principles of natural justice or any provisions of the constitution, his remedy is not by way of review application. Hence these objections cannot be heard in this application.

The applicant in para 2 of of the order have specifically stated that he is questioning only the order dated 25.3.1991. On the other hand, in the

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prayer portion he questioned the termination of his services which according to him is verbal. Hence the order questioned in para 2 differs from the order questioned in the relief portion. Hence it is not correct to say that there is no contradiction.

The applicant questioned the termination in his application only on the ground that the termination violates the principles of the Section 25(f) of the Industrial Disputes Act. Unless the applicant establishes that there is some error apparent on the face of the record, the applicant cannot question the judgement of this Tribunal in this review application. In fact the applicant is questioning the judgement of this Tribunal under the guise of the review application. If the applicant really

wants to question the judgement of this Tribunal, his remedy is elsewhere and not before this Tribunal.

It is seen from the judgement that the applicant questioned his termination only as per the provisions of the Industrial Disputes Act. Hence the Tribunal rightly considered the maintainability of the application in view of the judgement pronounced in Padmavalli's case. The Tribunal extracted also the relevant portions of the judgement and also pointed out that the applicant nowhere questioned the termination as violative of any provisions of the Constitution. Even in the review application, the applicant again questioned his termination only on the ground that it violates Section 25(f) of the Industrial Disputes Act as well as 25 B of the Industrial Disputes Act. Hence

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the allegations made in the application squarely falls under the judgment referred as above and as such the application is not maintainable.

It is also pointed out in the judgment that there is dispute regarding the period in which the applicant was absent from duty. In

fact the applicant claim<sup>ed</sup> in the application that he was on medical leave.

The contention of the applicant is now that the casual Mazdoor of Telecom Department were not governed by any rules is against his own contentions.

Further whether the applicant is entitled to claim any medical leave and whether the applicant's absence from duty is to be treated as leave or on duty or whether the applicant worked under the respondents for over 240 days as claimed by him are all questions of fact which can be decided

only by a Labour Court as per the provisions of the Industrial Disputes Act. The decision of the Madras Bench relied upon by the applicant is not of any help as the termination in that case was questioned on the ground that it violated articles 14 of the Constitution. There are no such allegations in the application filed by the applicant. Hence the applicant miserably fails to establish that there is any error apparent on the face of the record. The scope of the review application is very limited and the applicant under the guise of a review application is really challenging the judgment of the Tribunal as if in an appeal which he is not entitled to do so. Hence the applicant is not entitled for any remedy under the review application and the review

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application is liable to be dismissed  
 and accordingly the review application  
 is dismissed with no order as to costs.

*S. Santhanakrishnan*  
 (S. Santhanakrishnan)  
 Member (J)

*R. Balasubramanian*  
 (R. Balasubramanian)  
 Member (A)

*Deputy Registrar (J)*

*30/12/91.*

To

1. The S.D.O. Telecom, Dharmavaram - 515672.
2. The Telecom District Manager, Anantapur - 515 050
3. The Chief General Manager, Telecom, A.P. Hyderabad-1.
4. The Director General, Telecom, Union of India, New Delhi-1.
5. One copy to Mr. C. Suryanarayana, Advocate, CAT. Hyd.
6. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
7. One spare copy.

pvm.

*noted & b.d.*  
 At

*7/12/91  
 30/12/91*