

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

R.P.No.1/92
in
O.A.No.980/91.

Date of Judgment 9th Jan 1992.

Dr. A.Gopala Menon .. Applicant

Vs.

1. Director of Man Power,
Min. of Home Affairs,
Govt. of India,
New Delhi.
 2. Director-General,
CSIR Society &
Chairman & Controlling
Officer,
CSIR Pool Scheme,
Division for Scientific &
Technical Personnel, PUSA,
NPL Complex,
New Delhi.
- .. Respondents

Counsel for the Applicant : Dr. A.Gopala Menon,
Party-in-person.

Counsel for the Respondents : Shri N.V.Ramana,
Addl. CGSC.

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri T.Chandrasekhar Reddy : Member(J)

{ Judgment as per Hon'ble Shri R.Balasubramanian, Member(A)
(In circulation)

Dr. A.Gopala Menon has filed this review petition under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 against the Director of Man Power, Min. of Home Affairs, Govt. of India, New Delhi & another, seeking a review of the decision of this Tribunal at the admission stage of O.A.No.980/91.

2. The O.A. came up for admission hearing on 21.10.91 and it was summarily rejected for the following reasons:
- (a) That the applicant did not clearly spell out his grievance. In his prayer he wanted the Tribunal to uphold the Govt. of India memorandum dated 14.10.58 and strike down the Scientist Pool Scheme formulated by the C.S.I.R. New Delhi. He did not make out a clear case as to how

the Govt. of India memorandum was favourable to him while the Scientist Pool Scheme was harmful to him.

(b) By a letter dated 8.2.90 which was annexed to the application his representation to the respondents was finally rejected. On that basis this application which was filed in October, 1991 was hit by limitation.

(c) From Annexure A4 to the application a letter dated 7.3.90 from the respondents it was seen that the same prayer which was made in the O.A. was earlier turned down by this Tribunal on 9.8.88 itself. A review application filed was also dismissed by the Tribunal on 1.9.88. This Bench on going through the judgment referred to viz: O.A.No.710/87 found that the Bench had already dismissed an application containing a similar prayer as the one in O.A.No.980/91. The Bench also held that the application was hit by resjudicata. ~~also.~~

3. In this review petition, the applicant attempts to spell out his grievance so that the Bench can treat this review petition as a better affidavit and adjudicate the same on merits. It is his case that if the Govt. of India memorandum dated 14.10.58 is followed in his case he would be getting regular salary and allowances of a Class I Officer whereas in the impugned Scientist Pool Scheme which is now applied to him he is being paid only at the piece rate system. In AIR 1979 SC 1047 (A.T.Sharma & others) the Hon'ble Supreme Court had held as follows:

"But there are definite limits to the exercise of power of review. The power of new 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 of 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 court of appeal."

In this case, the applicant had this piece of information before ~~filing the application~~ ^{admission stage} at that stage itself and had not indicated clearly


how while application of one order would benefit him the application of some other order would ^{adversely} affect him. There is no grave error.

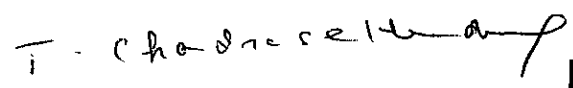
4. The applicant has not covered grounds (b) and (c) on which the admission of the application was rejected. The case is hit by two major legal factors viz: limitation and resjudicata and the review petition is totally silent on these two aspects.

5. In AIR 1975 SC 1500 (Chandra Kanta Vs. Sk. Habib) the Hon'ble Supreme Court has observed:


"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"

There being no grave error or omission there is no case for reviewing the decision taken regarding the admission of this O.A. Hence we reject this review petition with no order as to costs.


(R. Balasubramanian)
Member(A).


(T. Chandrasekhar Reddy)
Member(J).

Dated 9th January, 1992.


Dy. Registrar(Judl.)

17/92

Copy to:-

1. Director of Man Power, Ministry of Home Affairs, Govt., of India, New Delhi.
2. Director-General, CSIR Society & Chairman & Controll Officer, CSIR Pool Scheme, Division Scientific & Technical Personnel, PUSA, NPL Complex, New Delhi.
3. One copy to Shri. Dr. A. Gopala Menon, Party in Person H.No.B-37, Vigyanpuri, Hyderabad.
4. One copy to Shri. N.V. Ramana, Addl. CGSC CAT, Hyd.
5. One spare copy.

Rsm/-

pcwp
R.P. No. 1/92
O.A. 980/91
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

~~THE HON'BLE MR.~~

~~V.C.~~

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY:
M(JUDL)

AND

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

DATED: 9/1/1992

ORDER/JUDGMENT:

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

in

O.A. No.

T.A. No.

(W.P. No.)

Admitted and interim directions
issued.

Allowed

Disposed of with directions

R.A. Dismissed

Dismissed as withdrawn

Dismissed for default.

M.A. Ordered/ Rejected

No order as to costs.

