

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

R.P. 6/93

AT HYDERABAD

D.A.No. 592/91

T.A.No.

Dt. of Decision: 21-1-93

Mr S.S. Budan I.A.S. Petitioner

Mr C.K.L. Narasimha Rao Advocate for the Petitioner (s)

Versus

Chief Secretary (C.A.D) A.P. Hyderabad Respondent.

Mr Jagannath Reddy & Mr Panduranga Reddy Advocates for the Respondent (s).

CCRM:

THE HON'BLE MR. R. BALASUBRAMANIAN, MEMBER (ADMN)

THE HON'BLE MR. T. CHANDRASEKHARA REDDY, MEMBER (OVL)

1. Whether Reporters of local papers may, be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1,2,4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

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HTCR
54 (C)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

33

R.P.No.6/93

in

OA 592/91

Date of order: 21-1-1993

Between

Sri S.S.Budan, IAS

.. Petitioner

and

1. State of Andhra Pradesh
represented by its
Chief Secretary,
General Administration Department
Secretariat, Hyderabad AP

2. Union of India represented by its
Secretary
Department of Personnel & Training
Central Secretariat
New Delhi

.. Respondents

Counsel for the Petitioner :: Mr GVL Narasimha Rao

Counsel for the Respondents :: Mr Jaganmohan Reddy &
Mr Pandureng Reddy
Spl.Counsel for State of AP

GORAM:

THE HON'BLE SHRI R. GBALSUBRAMANIAN, MEMBER(ADMN)

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

(Order of the Division Bench delivered by Hon'ble Shri
T.Chandrasekhara Reddy, Member(Judl.) by circulation)

This Review Petition is filed by the Petitioner
herein under Section 22(3)(f) of the Central Administrative
Tribunals Act, read with Rule 17 of the Central Administrative
Procedures Rules, 1987 to review our Judgement dated 12.11.92
passed in OA 592/91. We proceed to decide this RP by circula-
tion under Rule 17(3) of Central Administrative Tribunal
Procedures Rules.

T. C. R. f

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OA 592/91 was filed by the petitioner herein to-

- i) quash the disciplinary proceedings that are initiated against the applicant and are pending with disciplinary authority treating the said disciplinary proceedings as invalid and inoperative
- ii) direct the 1st respondent to consider the case of the applicant for promotion to Selection Grade with effect from 1.1.1987. and
- iii) promote the applicant to supertime scale with effect from 25.10.1989, the date of promotion of juniors to the applicant.

OA 592/91 was dismissed by our Judgement dated 12.11.1992. We had clearly observed in our Judgement dated 12.11.1992, that as the disciplinary proceedings are not liable to be quashed, it is open for us to give direction to the respondents with regard to the promotion of the applicant retrospectively to the Selection Grade of IAS w.e.f. 1987 and in super time scale w.e.f. 1989.

After giving a careful thought to all the issues raised in the OA we had held that there was no merit in the OA filed by the applicant and was liable to be dismissed and was accordingly dismissed, as per our Judgement dated 12.11.92.

~~As already pointed out, it is the said judgement that~~ ~~is~~ ~~to be reviewed by the applicant of OA 592/91 who is the~~
~~petitioner in this Review Petition.~~

We have gone through the grounds urged in this Review Petition. ~~As already pointed out, the~~ very same points that were urged in the OA are again sought to be raised in this Review Petition. The aim of the petitioner appears to be, to point out some error or the other, even though, according to us, there is none and to make the entire case re-opened and re-heard. It is ~~need~~ needless to point out, review of a judgement is required when there is a error apparent on the face of the record. A court reviewing the judgement, cannot ~~act as~~ ~~act as~~ a court of appeal and re-appraise the entire ~~matter~~ before it.

To

1. The Chief Secretary, State of A.P.
General Administration Department,
Secretariat, Hyderabad A.P.
2. The Secretary, Union of India, Dept. of Personnel &
Training, Central Secretariat, New Delhi.
3. One copy to Mr. G. V. L. Narasimha Rao, Advocate, CAT. Hyd.
4. One copy to Mr. M. Jaganmohan Reddy, Addl. CGSC. CAT. Hyd.
5. One copy to Mr. D. Panduranga Reddy, Spl. Counsel for A.P. Govt. CAT. Hyd
6. One copy spare.

pvm

4th & 5th copy

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5) 20/7/22

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In this context, it will be pertinent to refer to a decision reported in AIR 1979 SC 1047 Aribam Tuleshwar Sharma, Appellant Vs Aribam Pishak Sharma and others, respondents wherein, it is laid down as follows:

"It is true there is nothing in Art.226 of the Constitution to preclude the High Court from exercising the power of review which inheres every court of plenary jurisdiction to prevent mis-carriage of justice or to correct grave and palpable errors committed by it. But there are definitive limits to 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. A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court."

The above decision applies on all four to the facts of this RP. If the petitioner is aggrieved by our order dated 12.11.92 passed in OA 592/91, the remedy of the petitioner lies by way of an appeal to the Supreme Court. So, absolutely we see no grounds to interfere with our Judgement dated 12.11.92 passed in OA 592/91, and hence, this Review petition is liable to be ~~rejected~~ dismissed and is accordingly rejected.

R.Balasubramanian

(R.BALASUBRAMANIAN)
Member (Admn)

T.Chandrasekhar Reddy

(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 21st

January, 1993

522/93
Deputy Registrar

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHECKED BY

APPROVED BY

HYDERABAD BENCH

HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

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

AND

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

AND

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

Dated: ~~21~~ - 1992

ORDER/JUDGMENT:

R.A. / C.H. / M.A. No.

6/93

in

O.A. No.

592/91

T.A. No.

(W.P.)

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

Central
Bldg.
10th flr.
Hyderabad
500 001
Telangana
India

3/93