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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

RP 113/93
in
DA 440/92.

Dt. of Order:19-1-94.

Moola Mahesh

...Applicant/Petitioner

Vs.

1. Union of India, rep. by the Secretary, Ministry of Communications, Department of Posts, Dak Tar Bhavan, New Delhi-110001.
2. The Sr. Superintendent of Post Offices, Hyderabad South East Division, Hyderabad-27.
3. Sri T.Upendra Reddy

...Respondents/Respondents

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Counsel for the Applicant : Shri T.Jayant

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

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CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

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....2.

TJP

RP 113/93 in OA No. 440/92

Judgement dated 19-1-94.

(AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN)

1. Heard both the learned counsels.
2. The applicant in OA 440/92 preferred this Review petition.
3. The grounds which were argued at the time of consideration of the Review petition are
 - (1) That this Tribunal has held that the applicant has not submitted the property certificate in time, ^{though} and it is stated that he has not received the letter dated 6.2.92 requiring him to produce the property certificate. ^{and}
 - (2) The condition in the notification requiring the applicants to produce the property certificate for consideration for the post of ED BPM is unconstitutional.
4. ^{will} We refer to the 2nd point, ^{first} The order dated 27.9.93 in the OA 440/92 discloses that arguments were advanced on 3 points and they were referred to in para 3 of the judgement. The said para does not refer to the arguments in regard to the point that the insistence on the production of property certificate is unconstitutional. When the same was not argued, the same cannot be considered in a Review petition.
5. After referring to the plea of the applicant that he has not received the letter dated 6.2.92 whereby he was asked to produce the property certificate, it was held in para 3 of the said order that another opportunity was given to

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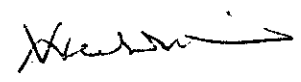
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applicant to produce the property certificate and the applicant received that communication on 2.5.92 while the last date for submission of the same was 5.5.92 and thereby indicating that no prejudice was caused to the applicant even presuming that the applicant has not received the letter dated 6.2.92 requiring him to submit the property certificate. But it is now argued that the finding in regard to the said plea is erroneous. Then it is not a matter for consideration in the Review petition.

6. Thus there are no merits in this Review petition and accordingly it is dismissed. No costs.



(R. RANGARAJAN)
Member (Admn.)



(V. NEELADRI RAO)
Vice-Chairman

(Open court judgement)

NS


Deputy Registrar (Ju)

Copy to:-

1. Secretary, Ministry of Communications, Department of Post and Telegraphs, Dak Tar Bhavan, Union of India, New Delhi-001.
2. The Sr. Superintendent of Post Offices, Hyderabad South East Division, Hyderabad-28.
3. One copy to Sri. T. Jayant, advocate, CAT, Hyd.
4. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

Handwritten notes:
Rangarajan
Neeladri Rao
7/

TYPED BY

R.D. 113/93/

COMPARED BY
O.A. 44092

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER(A)

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER(A)

Dated: 19/11-1994

ORDER/JUDGMENT:

M.A/R.A/C.A.No. 113/93

in

O.A.No. 44092

T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

