

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

R.P.No.83/93

Dt. of order: 4.4.1994

G.G.K.Murthy

: Petitioner

Vs.

Union of India & Ors.

: Respondents

Mr. Mukesh Agrawal

: Counsel for petitioner

Mr. U.D.Sharma

: Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.).

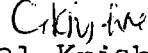
PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.).

This is a review Petition under Sec.22(3)(f) of the Administrative Tribunals Act, 1985 read with Rule 17 of the Central Administrative Tribunals (Procedure) Rules, 1987 for reviewing the order dated 9.9.93 passed by this Bench of the Tribunal in O.A. No.38/91. The review has been sought mainly on the ground that the impugned decision rendered on 9.9.93 having been passed without taking into consideration the rejoinder filed by the applicant on 7.9.93 made the petitioner lose his job. It is contended that if all the facts including those stated in the additional rejoinder and the documents annexed thereto had been in the notice of the Tribunal as the petitioner was working against a vacant post and many posts are still lying vacant as also the fact that the mode of appointment of the petitioner and T.R.Reddy was the same, the result of the case might have been different. The learned counsel for the petitioner states that on 9.9.93 the country was observing the so called Bharat Bandh and therefore, the counsel for the applicant could not appear in the Tribunal to argue the case. So far as the additional rejoinder is concerned, on 17.3.93, a direction was given to the petitioner's counsel at his request to file a rejoinder to the additional reply of the respondents within 2 weeks time. The rejoinder having been filed on 7.9.93 before the Registry was thus presented beyond a period of more than 5 months from the date of the said order. The document at Annx.A-13 dated 2.1.90 now relied upon by the petitioner

was already in existence when a rejoinder was filed by him on 16.10.92 to the reply filed on behalf of the respondents. No reasons have been stated as to why the communication dated 2.1.90 Annx.A-13 was not placed on record by the petitioner earlier than 7.9.93. As to the letter dated 10.5.93, it must be noted that also this letter/should have been produced before the case was finally heard and decided on 9.9.93. We find that the petitioner has been guilty of laches and negligence/ particularly in view of the fact that if he had relied on the communication dated 3.1.90, he should have produced it alongwith the rejoinder which was filed by him on 16.10.92.

2. We do not find any mistake or error apparent on the face of the record. There are no other sufficient grounds justifying a review of the impugned decision. This review petition is unmerited and it is, therefore, dismissed. Parties to bear their own costs.

  
(O.P.Sharma)  
Member(A).

  
(Gopal Krishna)  
Member(J).