

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

RP 67/93
(MA 409/93)
(TA 652/86)

: Date of order 8.8.94

Union of India & Others : Petitioners

V/s

Mumtazuddin Khan : Respondent

Mr. V.S. Gurjar : Counsel for the petitioners

None present for the respondent.

CORAM

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

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

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

This is a Review Petition under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, seeking a review of the order dated 18.3.93 passed in TA no. 652/86. The grounds for review are that the respondent is not entitled for seniority w.e.f. 8.5.56 to the post of Telephone Operator since he was appointed on an officiating basis as Lineman Telephone Operator and the post is not an encadred post. The respondent had passed the departmental examination in 1963 and he was, therefore, appointed as a Telephone Operator. The cause of action pertaining to the year 1965 was agitated after a lapse of 22 years and as such the TA was beyond the limitation. The contention of the learned counsel for the petitioners is that the respondent was not entitled to claim the benefit of Annexures A-5 and A-6 as he was not an identically or similarly person with the senior operators in the erstwhile Bhopal State. All the points raised in the reply filed on behalf of the petitioners were duly examined and considered by a Division Bench of the Tribunal on 18.3.93. The grounds on which a Review of the impugned decision is sought do not fall within the purview of Order 47 Rule 1(1) of the Code of Civil Procedure. A review does not lie on the ground that the decision rendered is erroneous on merits. We do not find any error apparent on the face of record. No new matter has been brought out by the petitioners

which could justify a review of the order. Even if the MA for condonation of delay were to be allowed, we find that the Review Petition itself is not maintainable on merits. It is, therefore, dismissed.

(O.P. Sharma)
Member (A)

(Gopal Krishna)
Member (J)