

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 30-1-96

(13)

RA No. 98/94
in
TA No. 1554/86

Union of India and others .. Applicants

VERSUS

R.P.Bhatnagar .. Respondent

Mr. Manish Bhandari, Counsel for the applicants

Mr. R.N.Mathur, Counsel for the respondent

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P.SHARMA, ADMINISTRATIVE MEMBER

ORDER

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

This is a Review Application under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, seeking a review of the order dated 15-9-94 passed in TA No. 1554/86.

2. We have heard the counsel for the applicants and the counsel for the respondent and have gone through the records of the case.

3. The review of the impugned decision is sought on the ground that the Tribunal while deciding the TA has committed an error apparent on the face of record because the appointment letter was issued for the DCS and not for the DS. It is urged by the counsel for the applicants that a bare perusal of the order Annexure-Z shows that the same was issued for DOS/DCS(E), Jaipur, though in the photostat copy of the said order, the respondent has tried to strike out the alphabet 'C' from DCS but he could not do so because DCS is clearly visible. This Tribunal, therefore, as stated by the counsel for the applicant, committed a grave error to read DCS as DS. It is also

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contended that the appointing authority for the ticket collector was DCS and it was not the DS. It is also stated that on 26-6-64 another employee was appointed as ticket collector and the appointment letter was issued by the DCS (E) and not by the DS. These documents have been placed on record alongwith this Review Application. These documents were available to the applicants while contesting the OA and the same have now been filed alongwith the Review Application and these are dated 28-3-64 and 26-6-64. These documents were withheld by the applicants for reasons best known to them and withholding of these documents by the applicants shows utter lack of diligence much less due diligence. It is note-worthy that the applicants have not dared to produce the appointment letter in respect of the respondent dated 26-6-64 issued by the concerned authority for the perusal of the Tribunal.

4. All the points raised by the parties were duly examined and considered while deciding the TA. There are limitations to the exercise of the powers of review. The power of review cannot be exercised on the ground that the decision is erroneous on merits. We find no substance in this Review Application and the same is dismissed.

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(O.P.Sharma)
Member (A)

G.K.N.H.
(Gopal Krishna)
Vice-Chairman