

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 28th day of October, 2009

RA No.11/2009 (OA No.137/2005)

1. Miss Sunita Chopra D/o Shri K.G.Chopra, r/o 106/56, Vijay Path, Mansarovar, Jaipur
2. Mrs. Renu Vaish W/o Shri Rajendra Vaish r/o B-1, Indraprastha Colony, Jagatpura Road, Jaipur.

.. Applicants

(By Advocate: Shri Rajendra Vaish)

Versus

1. Kendriya Vidyalaya Sangathan through its Commissioner, 18, Shahid Jeet Singh Road, Institutional Area, New Delhi.
2. Asstt. Commissioner, Kendriya Vidyalaya Sangathan, Jaipur Region, 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur

... Respondents

ORDER (By Circulation)

The applicants have filed this Review Application against the order/judgment dated 16th September, 2009 on the ground that the applicants were confirmed w.e.f. 1.10.88 and 7.9.89 after completion of two years' probation period and thus the said period should have been counted for the purpose of granting selection scale and also that the matter in issue has been decided by this Tribunal in OA No.415/2001 and 418/2001. At the outset, it may be stated that the grounds raised by the applicants in the Review



Application cannot be entertained. In fact, the applicants want rehearing of the matter. The fact that the trial period could be counted towards probation period for confirmation has been considered by the Tribunal in Para-5 of the judgment after quoting the condition No. 4(i),(iv) and (v) of the appointment letter, but it was also specifically held that such period cannot be treated as regular service for the purpose of senior/selection scale. This bench has also relied upon the number of decision of the Hon'ble Apex Court which are directly relevant to the issue involved in the case in para-6 of the judgment and in para-8 it has been specifically held that some relief has been granted by this Tribunal and matter is pending before the Hon'ble High Court, which decision appears to have been rendered in the absence of the decision of the Apex Court, cannot be said to be good law.

2. In fact, the applicants want re-hearing of the matter which is not permissible in terms of provisions contained in Order 47 Rule 1 CPC and Section 22(3)(f) of the Administrative Tribunals Act, 1985. It is also equally settled that while exercising power of review Court or Tribunal cannot sit in appeal over its judgment/decision. In case the judgment was wrong, it was open for the review applicants to challenge the same before the higher forum and certainly the power of review cannot be invoked in such matters. The view which we have taken is in consonance with the law laid down by the Apex Court in the case of State of West Bengal and Others vs. Kamal Sengupta and Another, (2008) 2 SCC (L&S) 735.

3. Thus, for the foregoing reasons, the present Review Application is wholly misconceived, which is accordingly dismissed by circulation.


(B.L.KHATRI)
Admv. Member


(M.L.CHAUHAN)
Judl. Member

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