

CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JABALPUR

Review Application No. 15 of 2006 in
Original Application No. 251 of 2005

Jabalpur, this the 18th day of July, 2007

Hon'ble Mr. A.K. Gaur, Judicial Member

Pawan Kumar Singh,
S/o. Late Shri Dhanraj Singh,
Aged about 36 years,
R/o. One Type, 157, SPM,
Hosangabad, MP.

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Applicant

(By Advocate – Shri A. Dey)

V e r s u s

1. Union of India,
Through it's Secretary,
Ministry of Finance,
New Delhi.
2. Security Papers Mills,
Through it's General Manager,
Hosangabad, M.P.

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Respondents

(By Advocate – Shri S.A. Dharmadhikari)

ORDER (Oral)

It is seen from the record that against the judgment and order of this Tribunal dated 5.1.2006 in Original Application No. 251/2005 a Writ Petition No. 4589/2006 was filed before the Hon'ble High Court of M.P. at Jabalpur. The Hon'ble High Court has clearly observed in the order that "in the impugned order of the Tribunal, the claim of the petitioner for appointment on compassionate ground on the basis of the aforesaid settlement, has not been considered as no such claim was made on the basis of Management and Union settlement". It has been contented on behalf of the respondents that the settlement was not filed by the applicant when the Original

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Application was filed. Considering the submissions of the parties, the Hon'ble High Court has directed the petitioner to file a review petition in this Tribunal. Hence, the applicant has filed the aforesaid review petition.

2. The learned counsel for the applicant at the very threshold invited my attention at Annexure A-2 and placed reliance on paragraph 2 of the terms of settlement. He has submitted that in the light of the agreement arrived at by the Management and Union on 29.9.2004, the respondents ought to have considered the case of the applicant for compassionate appointment. But the learned counsel for the respondents on the other hand invited my attention to Annexure R-1 and submitted that explanations were sought from the persons who have entered into the agreement i.e. S/Shri Rakesh Kumar, Manager (Finishing End) and Manik Mukherji, Assistant Director (Cost) ~~and~~^u they were not authorized to sign the settlement dated 29.9.2004. The learned counsel for the respondents also invited my attention to paragraph 7 of the said settlement which clearly indicates that the item No. 2 of the settlement on compassionate appointments is against the Government of India's instructions/guidelines. Compassionate appointments are to be effected provided there are vacancies available. Since out of the 1/3rd direct recruitment quota only 5% is to be allotted for compassionate appointments and the rest 95% for direct recruitment.

3. I have heard the counsel for the parties and perused the pleadings and records and I am of the considered opinion that the learned counsel for the applicant has failed to make out any case warranting interference in the review petition. The main ingredients prescribed for filing a review petition are completely lacking. It is settled principle of law that the Tribunal cannot act as an appellate court for reviewing the original order and this proposition of law is supported by the decision of the Hon'ble Supreme Court rendered in

the case of Union of India Vs. Tarit Ranjan Das - 2004 SCC (L&S) 160. Further in 2002 SCC (L&S) 18 - K.L. Nandakumaran Nair Vs. K.I. Philip & Ors., the Hon'ble Supreme Court has clearly held that if in a case where Tribunal has totally ignored the pleadings and shut its eyes to the materials available, in such circumstances the review application could be maintainable. The Hon'ble Supreme Court also in the case of Subhash Vs. State of Maharashtra & Anr. - 2002 (1) ATJ 551 has clearly held that unless the error is plain and apparent, the Tribunal has no jurisdiction to interfere with its order. In the present case the applicant has not taken the ground of settlement/agreement in his Original Application rather it was discovered later by him. On a ground mainly discovered later a review petition is not maintainable.

4. Thus, in view of the aforesaid observations, I find no merit in this Review Application and it is accordingly, dismissed.

A.K. Gaur
(A.K. Gaur)
Judicial Member

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पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय, जबलपुर
- (2) अवर न्यायाधीश, जबलपुर के काउंसिल
- (3) प्रथमी श्री/श्रीमती, जबलपुर के काउंसिल
- (4) न्यायालय, कोसगाँव, जबलपुर न्यायाधीश

सद्व्यवस्था एवं आवश्यक कार्यवाही हेतु
उप रजिस्ट्रार

Shri ADEY
Shri S A Dhanmadhkar

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23/3/07