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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. R.A. 350/00024/2014
M.A. 350/00347/2014
CPC. 17 of 2013
(O.A. 670 of 2009)

Date of order : 8.2.2016

Present: Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

UNION OF INDIA & ORS. (Forest)

VS.

DR. KISHORE SONBAJI MANKAR

For the Applicants : Ms. R. Basu, Counsel
Mr. B.P. Manna, Counsel

For the Respondents : Mr. S.K. Dutta, Counsel

ORDER (Oral)

Justice Vishnu Chandra Gupta, Judicial Member:

Heard Ld. Counsel for the petitioner as well as the Ld. Counsel appearing for the respondents.

2. The application for Review has been moved with delay in spite of grant of liberty to the review petitioner to file a fresh Review Petition in order. By the Review Petition the concerned department has taken a plea that on the post on which the order was passed by the Tribunal to accommodate the petitioner was already filled up in pursuance of an order passed by the Chandigarh Bench of CAT dated 1.11.2010. The person who claims relief from this Tribunal belongs to the same department on which post the another incumbent is said to have been accommodated. The fact was not in the knowledge of the Department, has not been stated anywhere when the final order was passed by this Tribunal on 28.9.2012. The case does not fall within the ambit of Order 43 Rule 1 of CPC.

3. Hence, the Review Petition lacks merit both on the ground of delay and also on merit and is, accordingly, dismissed. No order as to costs.

4. The department concerned is directed to comply the order passed by this Tribunal within two months positive.

5. The M.A. is also disposed of.

6. The CPC is kept pending, to be listed on 13.5.2016.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

SP