

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**R. A. No.17 of 2018 in O.A.No.832 of 2016**

**U. M. Gound** ) ....Applicant

**Versus**

**The State of Maharashtra & Ors.** ) .....Respondents

Shri J. N. Kamble, Advocate for Applicant

Shri A. J. Chougule, Presenting Officer for the Respondents

CORAM : SHRI A. P. KURHEKAR, MEMBER (J)

DATE : 17.01.2019

**ORDER**

1. Heard Shri J. N. Kamble, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. This is the 2<sup>nd</sup> Review Application seeking review passed by this Tribunal on 05.07.2017 in O.A. No.832/2016. In O.A. 832/2016, the applicant has sought relief of deemed date of promotion. This Tribunal by reasoned order dismissed the application by order dated 05.07.2017.

3. Thereafter, the applicant has filed first R.A. i.e. R.A. No.16/2017 in O.A.832/2016 which was disposed off by this Tribunal on 21.06.2018 as withdrawn. The order of the Tribunal is as follows:-

“4. Learned Advocate for the the Applicant seeks liberty to withdraw the Review Application.

5. Permission is granted.

6. Accordingly, Review Application is disposed off as withdrawn.”

4. Now, this 2<sup>nd</sup> Review Application has been filed to review the order dated 05.07.2017 passed in O.A.No.832/2016. Sole ground raised in Review Application is that one Shri Bhimrao Pratap Rathod against whom the punishment of stoppage of one increment was imposed, he was given promotion and, therefore, equal treatment should be given to him. The applicant has obtained the said order under RTI on 11.04.2017 and, therefore, he had again filed 2<sup>nd</sup> R.A.. This is the only ground for R.A. which obviously do not fall under order of 47 of CPC.

5. While disposing of the 1<sup>st</sup> R.A., the Tribunal has observed that the applicant has obtained information under RTI on 15.03.2017. Thus, he was having the said information about the alleged discrimination to him, despite it, he did not produce the document during the pendency of O.A. No.832/2016, which was disposed off on 05.07.2017.

6. Suffice to say that the applicant was in possession of the said documents which he preferred not to file during the pendency of the O.A. which was finally disposed on 05.07.2017. This is being the position, the said ground is not available to applicant to review the order dated 05.07.2017. Secondly, the first R.A. was withdrawn without seeking liberty to file another R.A. which was withdrawn by order dated 21.06.2018. This is being the position, the 2<sup>nd</sup> R.A. is not maintainable.

7. Apart, the question of limitation was also involved. The Original Application was decided on 05.07.2017 and the 2<sup>nd</sup> R.A. was filed on 12.09.2018, which is obviously beyond limitation.

9. Under Order 47 of CPC, the Review is permissible, where the applicant could not produce some evidence or material which after exercise of due diligence was not within his knowledge. In the present

case, the information about Shri Bhimrao Rathod was within the knowledge of the applicant but he still chooses not to produce in the Tribunal. As such, no case is made out for review.

10. For the aforesaid reasons, I see no substance in the R.A. as it is not maintainable and also barred by limitation.

11. Accordingly, Review Application is dismissed. No order as to costs.

Sd/-  
**(A.P. KURHEKAR)**  
**MEMBER (J)**