

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****APPELLATE SIDE CIVIL JURISDICTION****REVIEW PETITION NO. 69 OF 2018****IN****WRIT PETITION 5885 OF 2010**

K. Jagadeeswaran And Ors.

...

....Petitioners

V/S

Union Of India And Ors.

...

....Respondents

Mr.A.V.Anturkar, Sr.Advocate with Mr.Rushikesh Chandrashekhar Barge &  
Mr.Yatin Malvankar for the Petitioners.

Ms.Neeta Masurkar alongwith A.U.Singh for Respondent No.1.

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**CORAM : A.A. SAYED &  
M.S.SONAK, JJ.**

**DATED : 17 DECEMBER 2018  
( IN CHAMBER AT 2.45 P.M.)**

**P.C.:**

Learned Senior Counsel for the Review Petitioners has pointed out paragraph 27 of the order under Review dated 1 July 2016, wherein it is stated as follows:

“27. Mr. Bhange's submission, on the basis of certain resolutions or rules in the matter of coverage under GPF and Pension Schemes do not take the case of the petitioners any further. At the outset, it is required to be noted that the rules, which were referred to by Mr. Bhange has the General Provident

Fund-Cum-Pension-Gratuity Rules, 1977, appear to be only draft Rules. This position was confirmed by Ms Masurkar. The documents on record also bear out this position substantially. If 1977 Rules, were indeed Rules in force, then it is inexplicable as to why the FTII made resolutions thereafter and forwarded proposals to the Central Government. Accordingly, there is no basis to hold that the petitioners are already covered under the GPF and Pension Schemes by virtue of the 1977 Rules.”

Learned Senior Counsel submits that the Rules of 1977 are not draft Rules and that the said Rules are very much in force and there is an error apparent in the order under review.

2. In the Affidavit-in-Reply filed on behalf of the Respondent No.1 (running page 78 of the Review Petition), it is averred as under:

“The contentions of the Applicants that the alleged draft rules are approved in the Governing Council Meeting held on 21-03-1978 are absolutely incorrect. Further these contentions are raised for the first time by way of Review Application and it was not the case of the Applicant at the stage of hearing of the main Petition.”

3. Firstly, in the aforequoted paragraph 27 of the order under review, it is stated that the Rules “appear” to be only draft Rules. Moreover, the contention that the Rules of 1977 were in force was not

raised in the O.A. before the Central Administrative Tribunal (CAT) nor in the Writ Petition. In any event, the core issue raised in the Petition was whether the Petitioners, who were directly recruited to FTII post 01 October 1974 could claim parity with the Central Government Employees, who were earlier engaged in the department of Information and Broadcasting Ministry. The Court went on to hold that there was no parity and confirmed the order of the CAT which was impugned in the Petition.

4. In the circumstances, we find no error apparent in the order under review. Even otherwise no case is made out to review the said order. The Review Petition is accordingly dismissed.

**(M.S.SONAK, J.)**

**(A.A.SAYED,J.)**