

13.4.2004

MA-8/2004
OA-2844/2002
MA-759/2004
MA-760/2004



Present: Sh. Mohit Madan,
counsel for applicant.

Sh. R.N.Singh,
counsel for respondents.

MA-8/2004 filed by the applicant is either for reviewing the order or giving effect to the order under Rule 24 of the CAT (Procedure) Rules, 1987. Counsel for the applicant states that subsequently displeasure conveyed to the applicant was set aside in OA-1065/2002 by an order dated 31.10.2003. In this conspectus it is stated that if the order is not modified to the extent that period from January 1994 till September 1994 is treated as spent on duty with all other benefits, applicant would be left with no other remedy.

On the other hand learned counsel for respondents vehemently opposed this application.

In MA-759/2004 and 760/2004 respondents seek correction of an typographical error where inadvertently 'not' has been left where the applicant has been made entitled to other benefits except arrears of pay.

On careful consideration we are of the considered view that scope of review is limited to an error apparent on the face of record or discovery of new material or fact which was not in existence, even on the date of delivery of the order and could not be taken cognizance. The Tribunal on passing the orders finally becomes functus officio. Any subsequent event on an ongoing direction cannot be issued as settled by the Supreme Court. In so far as Rule 24 of Rules

ibid is concerned, the same provides for directions necessary or expedient to give effect to the order or to prevent abuse of its process or to secure the ends of justice. This cannot be done notionally as in para materia to the other facts and rules the directions in this OA are for treating the entire period as notional for grant of other benefits as arrears as the applicants displeasure has been set aside the period of January 1994 to September 1994 cannot be ordered to be treated as spent on duty. The available remedy may be exhausted by the applicant.

In this view of the matter, we dismiss MA-8/2004 and allow MAs-759/2004 and 760/2004. The para 21 in so far as arrears is concerned, "in that event applicant shall be entitled to arrears of pay" shall be read~~X~~^{as} "in that event applicant shall not be entitled to arrears of pay". A corrected copy be issued to both the parties.


(R.K. UPADHYAYA)
Member (A)


(SHANKER RAJU)
Member (J)