

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.56/2002 in OA No.947/2001

New Delhi, this 2nd day of April, 2002

Hon'ble Shri M.P. Singh, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

Mohinder Kumar .. Applicant

versus

Union of India, through
Secretary, Deptt. of Posts
M/Communications, New Delhi .. Respondent

(By Shri H.K. Gangwani, Advocate)

ORDER(in circulation)
Shri M.P. Singh, Member(A)

This Review Application is filed on behalf of the Union of India seeking review of the judgement dated 27.8.2001 in OA No.947/2001 on the ground that OM dated 12.6.2001 issued by Ministry of Finance pertaining to rates of DA to suspended officials on pre-revised scale was not brought to the notice of the Tribunal inadvertently when the matter was heard finally. Review applicants further state that rule position of the department has not been discussed in OA No.2643/99 on which the original applicant had placed reliance.

2. It would be pertinent to reiterate in this connection that the aforesaid OA was disposed of, following the ratio arrived at in OA 2643/99 (supra) which itself was a follow-up of apex court's judgement in Umesh Chandra Mishra Vs. UOI (1993) 24 ATC 243 which was binding on us, with the directions to the respondents to refix the pay of the original applicant in terms of 5th Pay Commission's recommendations and to review applicant's case with regard to enhancement of subsistence allowance

by passing a speaking and reasoned order within three months. Therefore, instead of filing the present RA, which obviously does not come within the four corners of Section 22(3)(f) of AT Act, 1985 read with Order 47, Rule 1 CPC, the review applicant should have carried out the aforesaid direction within the stipulated period. In this view of the matter, the present RA needs to be rejected and we do so accordingly.

S. Raju
(Shanker Raju)
Member(J)

M.P. Singh
(M.P. Singh)
Member(A)

/gtv/