

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

RA NO. 166/2001
in OA 1659/1998

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New Delhi this day 26th of April 2001
Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Govindan S. Tampli, Member (A)

Anant Kumar & Others : Applicants

(By Shri Shyam Babu, Advocate)

Versus

Union of India & Others : Respondents.

ORDER (BY CIRCULATION)

R.A. No. 166/2001 has been filed by the applicants, seeking the recall and review of Tribunal's order dated 9.3.2001, passed while disposing of the application No. 1659/1998.

2. We have carefully considered the points raised in the R.A. with special reference to our order dated 9.3.2001, in O.A. No. 1659/2001. Applicants' request for placement in non-functional JAG, was allowed by us w.e.f. 1.1.96, without screening and was allowed, with the directions that the benefit of arrears of pay and allowances would be permissible only from August 1998, when they have filed the O.A. According to the applicants, this order arose due to mistake and error on the face of record as :

i) Superintending Engineers who were also concerned in the same recommendations of the 5th CPC were given the benefit w.e.f. 1.1.96 which has been denied to the applicants.

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ii) the recommendations of the Commission having been given effect from 1.1.96 payment of arrears should follow suit,

iii) grant of arrears of pay and allowances from a later date would cause prejudice to the applicants.

3. On examination of the above, it is clear that the points raised above had been already agitated in the O.A. discussed and decided upon. In the background of the instructions issued by the Government on 30.9.1997, with regard to the fulfilment of conditions before the grant of the new non functional JAG to the applicant could be ordered, they could have been granted the same, not automatically from 1.1.96 but only from a later date.

Since the exercise is yet to be completed we had ordered that the notional placement be given to the applicant from 1.1.96 while the benefit of arrears be granted from the date when the applicants themselves agitated the issue - i.e. August 1998. This was the only proper direction which ~~should~~ ^{could} have been given. No facts have been brought on record to show that there has been any error or mistake on the face of the record to warrant recall and review of the said order.

4. R.A. in the circumstances, having no merit, and is rejected in circulation.

(Govindan S. Tampli)
Member (A)
Patwal

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman (J)