

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH  
R.A.No.134/98 IN  
~~O.A.No.1442/97~~

New Delhi: this the 19 day of July, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN(A).

HON'BLE MR. KULDIP SINGH, MEMBER(J)

Prakash Kumar Mulwani,  
S/o Shri Hotu Mulwani,

R/o H.No.1/3,

Nirmalpur, Lajpat Nagar IV,

New Delhi-24. ....Applicant

Employed as  
Inspector of Works(Construction),  
under Chief Administrative Officer(Construction),  
Northern Railway,  
Kashmere Gate,  
Delhi-6

(By Advocate: Shri B.B.Raval)

Versus

1. Union of India  
through the Chairman,  
Railway Board,  
Rail Bhawan,  
New Delhi-1

2. The General Manager,  
Northern Railway,  
Headquarters Office,  
Baroda House,  
New Delhi-1.

3. The Chief Administrative Officer(Construction),  
Northern Railway,  
Headquarters Office,  
Kashmere Gate,  
Delhi-6

.....Respondents.

(By Advocate: Shri B.S.Jain)

ORDER

Mr. S. R. Adige, VC(A).

Heard both sides on RA No.134/98 , seeking  
review of the Tribunal's order dated 24.3.98 in OA No.1442  
of 1997.

2. In that OA applicant had sought a direction  
to

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- i) quash the proposed recovery of the 3rd and 4th advance increments given to him which was proposed to be effected from his pay from June, 1997 ex parte without putting him to notice and
- ii) direct respondents to release two more incentive increments i.e. 5th 6th increments which he claimed were due to him as per Railway Board's own Circular and fix his pay at the appropriate level by adding these 2 increments and direct payment of arrears with 18% interest till realization.
- iii) award exemplary costs.

3. The above OA was disposed of after hearing by order dated 24.3.98 with the following directions:

"For the above reasons the proposed recovery order dated 9.8.96 has to be quashed and is accordingly quashed. The respondents may if they intend to withhold the two additional increments issue a show cause notice, hear the applicant's objection and then pass a speaking order. They may state that they propose to withhold on the ground that the applicant had passed the examination before joining the respondents. But with regard to the increments already granted with regard to passing the examination after joining the service, they have no case even on merits. The OA is accordingly disposed of. No costs."

4. In the RA besides pointing out certain typographical mistakes, it has been contended that applicant was entitled to the 5th and 6th increments as per Railway Board's relevant Circular, and there is an error apparent on the face of the record within the meaning of Section 22(3)(f) A.T. Act read with Order 47 Rule 1 CPC so far as it differs from the Railway Board's relevant circulars.

5. Respondents in their reply to the RA have submitted that while they have no objection to the correction of the typographical mistakes in the body of the order dated 24.3.98, applicant in the RA has actually sought to reargue the entire case and traversed the same ground as covered in the OA which is not permissible in an RA. Relevant rulings to support the view have also been cited.

6. We agree with respondents. In so far as applicant's claim for release of 5th and 6th increments are concerned( and consequential action upon their release, including pay fixation, payment of arrears and interest), the Tribunal in its order dated 24.3.98 has directed respondents that in case they intend to withhold the same, they shall first put applicant to notice, and after hearing applicant's objection, if any, they shall pass a speaking order.

7. If applicant is aggrieved by the aforesaid direction, it is open to him to challenge the same through a proper appeal-petition before the appropriate form in accordance with law. He cannot appeal against the aforesaid order dated 24.3.98 in the form of an RA.

8. The RA is disposed of accordingly with a direction to Registry only to the extent of carrying out the necessary typographical corrections in the order dated 24.3.98 and to issue corrected copy of the order to both parties.

( KULDIP SINGH )  
MEMBER(J)

( S.R. ADIGE )  
VICE CHAIRMAN(A)

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