

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

R.A. No. 140 of 1996 in
O.A. No. 1230 of 1995

New Delhi this the 31st day of October, 1996

HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

DR. O.P.S.Luthra
S/o Shri S.R. Luthra
R/o M-33A, Medical Colony,
Near Divisional Railway Hospital,
Jodhpur (Rajasthan)

...Applicant

Versus

Union of India through

1. The Chairman,
Railway Board,
Ministry of Railways,
Rail Bhawan,
New Delhi-110 001.
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi-110 001.
3. The Divisional Railway Manager,
Delhi Division,
Northern Railway State Entry Road,
New Delhi-110 001.
4. The Divisional Railway Manager,
Bikaner Division,
Northern Railway,
Bikaner (Rajasthan). .. Respondents

ORDER BY CIRCULATION

Hon'ble Mr. K. Muthukumar, Member (A)

By this Review Application, the applicant

[Signature]

.2.

seeks to review the order passed in O.A. No. 1230 of 1995 decided on 4.6.1996. The copy of the order was issued to the applicant by the Registry on 6.6.1996 itself and there is no averment in this RA that the order has been received late. The Review Application has been filed on 8.7.1996 and it is prima facie barred by limitation as it is a belated application. Even on merits, the applicant seeks to review the order on the ground that the Tribunal had not taken into account the period of delay from the date respondent No.1 issued the directions for implementing the decision and not noticing the order dated 26.9.1989 of the respondent No.1. In the order in the aforesaid O.A., the fact of delay and the final order passed on implementing the directions of the court vide order dated 19.3.1993, was duly taken into consideration although the earlier direction of the respondent No.1 was not specifically mentioned but it is ultimately the competent authority who has passed the order dated 19.3.1993 after a dealy, which has been duly noted in the order. The applicant also submits that in terms of Rule 1344 of the Indian Railway Establishment Code Volume II, the respondents should have passed orders. This aspect was also taken into account and it was pointed

.3.

out in the order that competent authority has to take a conscious decision in terms of Rule 1344 of the Indian Railway Establishment Code Volume II and pass appropriate orders and in this case this had been done after certain delay. Thereafter, the provision of Rule ibid has been duly taken into account while passing the order. In the light of the foregoing, there had been no error apparent on the face of the record which would require reviewing the order passed by the respondents. Further, the applicant submits that interest should have been allowed on the gross amount and not on the net amount in as much as certain statutory deductions has been made from the gross amount. This contention of the applicant that the interest should be allowed on gross amount due and not on net amount, as ordered, cannot be considered as an error on the face of the record. If he was aggrieved, it was open to him to appeal against this order.

2. In the light of the foregoing, the Review Application has no merit and it is accordingly rejected.



(K. MUTHUKUMAR)
MEMBER (A)

RKS