

In the Central Administrative Tribunal
Principal Bench, New Delhi.

Regn. No. RA-177/93 In
DA-733/93

Date: 11.6.1993

Shri P.D. Makkar Applicant

Versus

Union of India Respondents

CORAM: Hon'ble Mr. I.K. Rasgotra, Administrative Member
Hon'ble Mr. J.P. Sharma, Member (Judl.)

Judgement

The review applicant appeared in person and argued this application for review of the judgement dated 30th April, 1993 by which the relief claimed by the applicant in DA-733/93 that he should be paid Special Pay for the period from 7.12.1979 to 7.7.1982 at the rate of Rs.100/- per month, as he had been actually the holder of the identified post authorising the grant of the Special Pay vide Government orders dated 6.1.1970 amended by subsequent order dated 26.2.1975.

2. The relief was disallowed to the applicant in view of the fact that the applicant earlier filed original application No. 1100/89 in which he sought grant of senior time-scale. That application was decided on 25.7.1991. The applicant retired as Deputy Controller of Defence Accounts on 28.2.1990.

3. The ground taken by the review applicant is that he had been paid Special Pay from 8.6.1988 to 28.2.1990 on 8th August, 1990, but the grant of Special Pay was rejected for the period from 7.12.1979 to 7.7.1982. The applicant received the final rejection order on 12.8.1992. This matter has been fully considered in the judgement itself. When the

applicant filed the earlier OA-1100/89, this cause of action was available to him and so he cannot claim by a subsequent application filed years after, for the ancillary relief which he could have agitated in the earlier O.A. 1100-89. In fact, the applicant has also agitated this point in the CCP-189/92 which was dismissed on 4.1.1993. The applicant, who argued the review application in person, could not show any error apparent on the face of the judgement, calling for an interference by way of a review. The review application is, therefore, dismissed.

J.P. Sharma
(J.P. Sharma) 11.6.93
Member (Judl.)

I.K. Rasgotra
(I.K. Rasgotra)
Administrative Member