

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~DELHI~~ Principal Bench
New Delhi
Review App. No. 157/89

O.A. NO. 502 1987
T.A. NO.

DATE OF DECISION _____

P. C. Misra PETITIONER

Applicant in person Advocate for the
Petitioner(s)

VERSUS

H. Governor, Delhi & Ors RESPONDENT

M. M. Sudan Advocate for the
Respondent(s)

CORAM :

The Hon'ble Mr. Justice Kamleshwar Nath, VC.

The Hon'ble ~~MS~~ Usha Savara, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether to be circulated to other Benches ?

Dinesh

24/11/90

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL, NEW DELHI
PRINCIPAL BENCH.

Review Application No.159 of 1989

In

Registration O.A. No.502 of 1987

P.C. Misra Applicant

Versus

Lt.Governor, Delhi & Others.... Opposite Parties.

Hon.Justice Kamleshwar Nath, V.C.

Hon. Usha Savara, Member (A)

(By Hon.Justice Kamleshwar Nath, V.C.)

This ^{is an} application to review our judgement dated 6.10.89 in the applicant's O.A. No.502 of 1987 whereby his application for a direction to appoint him on a senior post commensurate with his seniority, in particular on a post carrying special pay of Rs.150/-per month, was dismissed. The applicant was already holding a post on which he was drawing a special pay of Rs.100/- per month.

2. In para 1 of the Review Application, it is stated that special pay is "granted in lieu of separate higher pay scale indicating a rank or status". Same statement is made in para 2 of the application. The statement is incorrect and contrary to the definition of the expression 'special pay' in Fundamental Rules, 9(25). According to the definition 'special pay' is an addition to the emoluments of a post of a Govt. servant granted in consideration of either ^{the specially} of arduous nature of duties

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or a specific addition to the work or responsibility; that has nothing to do with the rank or status.

3. In para 3 the applicant complains that he had cited the case of E.P.Royyappa Vs. Union of India 1974 SC 555 but we did not discuss it in the judgement. As a matter of practice, it is not expected of a Tribunal to burden its judgement with rulings which have no application. The applicant has not mentioned in the Review Application in what manner E.P.Royyappa's case applies to his case. The best use which the applicant could have made of that decision was to show that the action in not posting him to a post carrying a special pay of Rs.150/- per month rather than Rs.100/- per month only was arbitrary and therefore was liable to be struck down under Article 14 of the Constitution of India. We have recorded reasons in the judgement why we do not consider ^{the} refusal by the Administration to post him on a post of special pay of Rs.150/- per month as arbitrary. The grievance therefore has no substance.

4. The Review Application does not contain any other matter of merit and must fail. But before we part with the case, we cannot fail to record that the applicant has used unparliamentary language dangerously bordering on contempt of this Tribunal. In para 7, he has mentioned as follows :-

" Does the Administration grant special pay only for officers who are very suitable for Chamchagiri or flattery?"

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5. That is not a language known to Courts and Tribunals. Para 8 runs as follows :-

" This is an erroneous judgement needs review and be reheard by Court No.1 of the CAT(PB) and the application be disposed off within one month".

We wonder whether we are facing a direction from the Hon'ble Supreme Court! The applicant has no business to tell us that our judgement is erroneous; it is contemptuous ex facie. A demand that the case must be reheard in Court No.1 and be disposed of within one month is presumptuous. The applicant should better learn sober language and decent address.

6. The Review Petition is dismissed.


(Usha Savara)
Member (A)


23.1.90.
(Kamleshwar Nath)
Vice Chairman

Dated the _____ Jan., 1990.

RKM