

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. RA 38/89
in OA No. 65/89

Date: 9-6-89

Shri Om Prakash Yadav

....Petitioner

Vs.

Union of India & Others

....Respondents

CORAM:

THE HON'BLE MR. B.N. JAYASIMHA, VICE CHAIRMAN(A)

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

1. Whether Reporters of local papers may be allowed to see the judgment? No
2. To be referred to the Reporters or not? No

(The judgment of the Bench delivered by Hon'ble Mr. P.K. Kartha, Vice Chairman(J))

The petitioner in this review petition had filed OA No. 65/89 praying that the respondents be directed to issue an order to fix his pay at the rate of Rs.140/- per month with effect from 1st June, 1971 in the pay scale of Rs.130-300 in terms of para 19(A) of AO 69/81 at Annexure-C to the application. After hearing the learned counsel of the applicant and going through the records of the case, the Tribunal rejected by its judgment dated 10.2.1989 the application at the admission stage on the ground that it is barred by limitation.

2. Admittedly, the grievance of the petitioner arose in 1971. The Tribunal observed in para 5 of its judgment that it has no jurisdiction to entertain an application in which the relief claimed relates to a period prior to

1.11.1982 in view of the provisions of Section 21 of the Administrative Tribunals Act, 1985. It was also pointed out that the communication dated 9th February, 1988 is not addressed to the applicant and it cannot be treated as a reply to the repeated representations made by him to the respondents.

3. The petitioner has sought a review of the Tribunal's judgment on the ground that there are ~~several~~ errors apparent on the face of the record. **Some of them are:-**

(a) In the judgment, the name of the applicant has been shown as "Ram Prakash Yadav" while actually it is "Om Prakash Yadav."

(b) While it has been correctly stated in para 2 of the judgment that the representation submitted by the applicant was not replied to, in para 5 of the judgment it has been observed that the applicant's representation in 1971 was rejected.

(c) In para 5 of the judgment, it has been observed that the communication dated 9th February, 1988 was not addressed to the applicant and it cannot be treated as reply to the repeated representations made by him to the respondents. while, it is true that this communication is not addressed to the applicant, a copy of the same was delivered to him by his office.

(d) In para 7 of the judgment, it has been observed that the respondents are not precluded from passing appropriate orders in regard to protection of pay of "Ex-Civilians". The reference should have been to "Ex-Civilians School Masters."

4. We have carefully considered the various grounds for review mentioned in para 3 of the petition. We do not see any error apparent on the face of the judgment warranting a review of the same. It may be that the applicant is aggrieved by the decision of the Tribunal. In such a case, the proper course for him would have been to prefer an appeal in the Supreme Court against the judgment and not to file an application for review. Therefore, in our opinion, the review application has no merit and is liable to be dismissed.

5. However, on going through the original case file, it is noticed that some typographical errors have occurred in the judgment dated 10.2.89 and we take this opportunity to correct them. Accordingly, the following typographical errors in the original copy of the judgment have been corrected by us:-

(i) The name of the applicant is corrected as "Om Prakash Yadav" in place of "Ram Prakash Yadav."

(ii) The third sentence in para 5 of the judgment is substituted so as to read as follows:-

" The applicant should have sought relief from the appropriate forum long ago."

(iii) In the third sentence of para 7 of the judgment for the word "Ex-Civilians" the words "Ex-Civilian School Masters" have been substituted.

P.K. KARTHA
(P.K. KARTHA)
VICE CHAIRMAN(J)

B.N. JAYASIMHA
(B.N. JAYASIMHA)
VICE CHAIRMAN(A)