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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, DELHI.

R.A. No. 32/1990 in O.A. 857/1989.

DATE OF DECISION: September 5, 1990.

Shri Kishan Lal Vs. Union of India

Review Applicant: Union of India.  
(Through Shri M.L. Verma, Counsel).  
Respondent in person.

ORDER:  
(Hon'ble Mr. P.C. Jain, Member)

This is a Review Application filed by the respondent in O.A. 857/1989 under Section 22-F of the Administrative Tribunals Act, 1985 for review of the judgment, which was delivered in the O.A. on 5.1.90.

2. The only ground on which review of the judgment is sought is that it "apparently suffers from an error of judgment". In support of this contention, it is submitted that provisions of sub-rule (6) of Rule 9 of the Indian Forest Service (Pay) Rules, 1968 (hereinafter referred to as the Pay Rules) become operative only when provisions of Rule 9(4) apply, i.e., where the Government have, for sufficient reasons to be recorded in writing, held that equation of the post under reference with a post specified in Schedule III is not possible.

3. The respondent in the R.A., who was the applicant in the O.A., has contested this Review Application on the ground of limitation as well as on merits.

4. We have heard the learned counsel for the Review Applicant as well as the respondent, who appeared in person.

5. As regards the plea of the respondent on the point of limitation, it may be stated that a copy of the judgment dated 5.1.90 was forwarded to the respondent by the Registry vide letter dated 8.1.90, which was received by the respondent on 10.1.90. The Review Application was filed on 9.2.90. Thus, the Review Application has been filed within the limitation prescribed in Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987. Here, it may be stated that the period of limitation is to commence from the date on which a copy of the judgment

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is received by the party concerned, and not from the date of the judgment itself. Thus, we see no substance in the preliminary objection raised by the respondent in regard to limitation.

6. As regards the plea of the Review Applicant that there is an error apparent on the face of the judgment, we do not find any substance in the same. Admittedly the post to which the applicant in C.A. had been appointed was neither included in Schedule III, nor any declaration to the effect that the said post is equivalent in status and responsibility to a post specified in the said Schedule was found to have been made. Thus, the provisions of sub-rule (4) of rule 9 of the Pay Rules, which have been reproduced in the judgment, are applicable. Sub-rule (4) of Rule 9 of the Pay Rules, in fact, provides an authority to the concerned Government to appoint a member of the Service to a post which is neither included in Schedule III nor <sup>for which</sup> a declaration of equivalence thereto <sup>has been made</sup> ~~is~~ made. If an officer had been appointed to a post which did not fall in either of the above two categories, i.e., in case the post was neither included in Schedule III, nor a declaration of equivalence had been made, then the appointment is to be taken to have been made under sub-rule (4) of Rule 9 of the Pay Rules. This is exactly what has happened in this case. The learned counsel for the Review Applicant fairly conceded that the provisions of sub-rule (6) of Rule 9 are attracted where the situation is covered by the provisions of sub-rule (4) of rule 9. Thus, we see no error apparent or otherwise in the judgment delivered in O.A. 857/89 on 5.1.1990.

7. In view of what is stated above, we see no merit in this Review Application, which is hereby dismissed. We leave the parties to bear their own costs.

*J.P. Sharma*  
(J.P. SHARMA)  
Member(J)

*P.C. Jain*  
(P.C. JAIN)  
Member (A)