

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

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**RA NO. 200/2005
MA NO. 1882/2005
MA NO. 1883/2005
OA NO. 1211/2004**

New Delhi, this the 26th day of August, 2008

**HON'BLE MR. JUSTICE V.K.BALI, CHAIRMAN
HON'BLE SH. L.K.JOSHI, VICE CHAIRMAN (A)**

Sh. N.Rajagopalan,
Flat No.4A, Block-II,
Timber Leaves,
No.1, Veerabhadran Street,
Nungambakkam,
Chennai-600 034.

... Applicant/Review Respondent

(By Advocate: None)

Versus

1. Union of India through
Secretary,
Ministry of Disinvestment,
CGO Complex, Block 14,
New Delhi-110003.

2. Public Sector Disinvestment Commission,
Through its Member-Secretary,
Trikoote-I, Bhikaji Cama Place,
R.K.Puram, New Delhi.

...Respondents/Review Applicants

(By Advocate: Shri R.V. Sinha)

ORDER

Hon'ble Shri L.K.Joshi, Vice Chairman (A)

This Review Application has been filed under Section 22 (3) (f) of Administrative Tribunals Act, 1985 read with Rules 17 and 24 of the Central Administrative Tribunal (Procedure) Rules, 1987 to review the order passed in OA-1211/2004 and OA-1213/2004 decided on 11.02.2005.

2. Briefly the facts in the aforementioned OAs are that the Applicants after their retirement on superannuation from the Government were appointed as Private Secretaries in Public Sector Disinvestment

Commission (for short, PSDC) on 25.02.1997. On 3.03.1997 orders were issued that the Applicants would be given consolidated salary of Rs.7700/- per month from 27.11.1996. The salary was later on reduced to Rs.5670/- per month. This was challenged before the Tribunal by the Applicants in the aforementioned OAs. The Tribunal in its order dated 11.02.2005 held that reduction of salaries by the Government was illegal and that the Applicants were entitled to the payment of their salaries. The operative part of the order is extracted below:

"12. Resultantly, we dispose of the present petition directing that the applicants are entitled to the consolidated salary of Rs.7700/- per month. The reduction made is not justified. The applicants should be paid the arrears for a period of three years before filing of the present application, till they demitted the office."

3. The Review Applicants have approached this Tribunal for clarification on the ground that the period of three years before filing of the OA may result in anomaly because the applicants were not in employment during some period three years before filing of the OA. The following correction is prayed for:-

"(a) review its order and judgment dated 11.2.2005 in OA No.1211/2004 titled "N.RAJAGOPALAN VS. UNION OF INDIA & ANR." passed by this Hon'ble Tribunal to the extent that the applicant should be paid arrears for a period of three years prior to the filing of the present OA or till he demitted the office under the Public Sector Disinvestment Commission"

4. The Applicants in OAs have not appeared before us in spite of notices served to them. MA-1883/2005 has also been filed for condonation of delay in filing the RA.

5. The correction proposed by the Review Applicants would not cause any prejudice to the Applicants. The Applicants have to be paid their salary @ Rs.7700/- per month during the period they have worked as

22/11 Private Secretaries in PSDC in that scale i.e. from 27.11.1996 to



15.12.1999. The para 12 of the order dated 11.02.2005 in the OAs No.1211/2004 and 1213/2004, therefore, is revised as follows:-

“12. Resultantly, we dispose of the present petition directing that the applicants are entitled to the consolidated salary of Rs.7700/- per month. The reduction made is not justified. The Applicants should be paid the arrears of salary from the date it was reduced to Rs.5670/- till the date the Applicants demitted office.”

It is pleaded in the RA that three years reckoned from 17.05.2004, the date of filing of OAs, as directed in the order dated 11.02.2005, would be 17.05.2001, when the Applicants were not in the employment of PSDC.

6. In view of the above, the delay in filing the Review Application is condoned and order passed in the OA is modified as above. With this Review Application is disposed of.

(L.K. JOSHI)
Vice Chairman (A)

(V.K. BALI)
Chairman

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