

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

Review Application No. 5 of 2001.
In

Original Application no. 685 of 1996.
this the 18 day of April 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Union of India through General Manager, N.E. Railway, Gorakhpur
& Others

Applicants.

Versus.

K.N. Prasad, S/o late Sri J.N. Prasad, R/o Shakun Shankerpuri,
Sector 3, P.O.-Jungal Saligram, Gorakhpur.

Respondent.

ORDER

This Review petition has been filed by the respondents to review the order dated 28.9.2000 passed in O.A. no. 685 of 1996. The said O.A. no. 685/96 vide order, in question, was allowed and the following orders were passed :

"For the reasons stated above, the O.A. is allowed and the respondents are directed to pay the entire amount of gratuity, pension, Provident Fund, GIS, leave encashment and other retiral benefits calculated @ Rs.4375/- permonth as salary alongwith interest @ 12% till the date of payment to the applicant within a period of three months from the date of communication of this order. There shall be no order as to costs."

2.

Now, the respondents have filed this Review petition on the following grounds:

"1. Because admittedly the basic pay of the applicant was not reduced from Rs. 43275/- per month to Rs. 4125/- per month as mentioned in para no. 1 line nos. 5 & 9 of the order and judgment

2. Because in para-4 of the order & judgment, the Hon'ble Tribunal has taken a cognizance of the fact that before reducing the basic pay, no opportunity whatsoever had been given to the applicant, although circulars filed by the respondents in the counter reply were duly considered in para 7 of the enclosed order & judgment and as such straightway direction for payment of the benefits alongwith interest is prima-facie against the intention of the Hon'ble Tribunal as during the course of the arguments, the Hon'ble Tribunal was convinced for remanding

the matter for issuance of a show-cause notice."

3. It is obvious that the grounds mentioned are beyond the scope of review because the respondents seek the review of the order on merit, which is not permissible under the scope of review jurisdiction. There is no material on record to conclude that the intention of this Tribunal was to remand the case to the respondents for giving an opportunity to the applicant before reducing his pay. The review petition is misconceived and not maintainable.

4. I, however, found that there is one typographical error in line nos. 5 & 9 of para 1 of the order. The correct amount should be 4375/- instead of 43275/-, which requires correction. The typographical error is accordingly corrected.

5. In view of the above, the Review petition lacks merit and is accordingly dismissed.

Ratnadev
MEMBER (J)

GIRISH/-