

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD.**

**RA No.02/2020 with MA No.34/2020 in OA No.223/2014**

**This the 01<sup>st</sup> day of July, 2021**

**COROM : Hon'ble Shri Jayesh V. Bhairavia, Member (J)  
Hon'ble Dr. A.K.Dubey, Member (A)**

Shri Dinkerrai Mulshankar Joshi,  
Residing at 21, Gandhi Park,  
Ambawadi, Ahmedabad : 380 015..... Applicant

**(By Advocate : Applicant in person)**

Versus

1. Union of India,  
(Notice to be served through  
The Secretary,  
Ministry of Finance, Department of Revenue (CBDT),  
North Block, New Delhi : 110 001.
2. Chief Commissioner of Income Tax,  
Aaykar Bhavan, Ashram Road,  
Navrangpura, Ahmedabad : 380 009.
3. Principal Controller of Accounts,  
Central Board of Direct Taxes,  
9th Floor, Lok Nayak Bhavan, Khan Market,  
New Delhi : 110 003.
4. Commissioner of Income Tax, (Computer Operations),  
1st Floor, Aaykar Bhavan,  
Ashram Road, Ahmedabad : 380 014. .... Respondents

**(By Advocate : Ms M.M.Bhatt)**

**O R D E R – ORAL**  
**Per : Hon'ble Shri J.V. Bhairavia, Member (J)**

On examination of the order passed by this Tribunal on 05.05.2017 in  
OA No.223/2014 filed by the applicant and the grounds stated in the

Review Application, as also taking into consideration the written Note dated 06.04.2021 filed by the applicant, we do not find any satisfactory ground or reason to review the order passed by this Tribunal in OA No.223/2014. This Tribunal in its order dated 05.05.2017 passed in OA refers to the Order No.73 of 2021 dated 23.4.2012 issued by Government of India with respect to claim of the applicant, wherein it is observed that “*on his promotion w.e.f. 01.10.1991 on notional basis, Shri D.M.Joshi will be entitled to get pensionary benefits including arrears of pension*”.

**2.** This Tribunal also observed that there was no challenged whatsoever to the Order No.73/2012 dated 23.4.2012. The said promotion was undisputedly on notional basis. Accordingly, this Tribunal declined to grant prayer for arrears of salary for the period from 1991 to 1994, particularly in view of the fact that there is no challenge whatsoever to the order No.73/2012 dated 23.4.2012. The applicant herein was promoted to the cadre of Dy. Commissioner of Income Tax, but only on notional basis. We do not find any error apparent on the face of the record. It appears that the cause stated in the RA is tried to bring out fresh cause of action. This Tribunal cannot sit on appeal on his own order. The RA lacks merit. Hence, the same is dismissed. MA also stands dismissed.

**(A.K.Dubey)  
Member (A)**

**(J.V.Bhairavia)  
Member (J)**

**nk**