

- 2 -

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Review Application No. 21/4 of 1994
in
Original Application No. 1550 of 1993

R.S. Ujha Applicant.

Versus

Union Of India And Others Respondents.

Hon'ble Mr. S. Das Gupta, Member-A
Hon'ble Mr. T.L. Verma, Member-J

(By Hon'ble Mr. S. Das Gupta, Member-A)

The application before us^{is} for review of the Order dated 21.3.1994 by which the O.A. No. 1550 of 1993 was dismissed in limine as being not maintainable.

2. The applicant had earlier filed a writ petition under article 226 of the constitution and this was transferred from the High Court of Judicature at Allahabad to this Tribunal. The petitioner had prayed for quashing of the order of the disciplinary authority imposing penalty of withholding of increment. The Tribunal by its order dated 30.7.1986 dismissed this petition. The applicant filed a petition for review of said order. On review, this Tribunal by its order dated 8.1.1991, partly allowed the application by quashing the impugned order of penalty withholding. increment. It was also directed therein that the applicant shall be given such benefit in terms of salary, arrears or otherwise with interest at the rate of 10 % per annum.

wb.

3. The O.A. No. 1550 of 1993 was filed on the ground that there has been only partial/ implementation of the order dated 8.1.1991 passed by the Tribunal. We took a view that if the order of the Tribunal had not been implemented, it would constitute Contempt of Court and an appropriate petition could have been filed by the petitioner before the period of limitation expired. Since he did not file any such petition, fresh application on the same cause of action which was earlier agitated before this Tribunal and also decided was not maintainable. The O.A. No. 1550 of 1993 was therefore dismissed.

4. In the application for Review it has been submitted by the applicant that the Tribunal has misconstrued the facts/law of the case and also omitted to call in question delay and part performance in compliance of the Tribunal's order dated 8.1.1991. A plea has been taken in the application that the part-performance was made only on 15.1.1993 by which only a part of the payment due was made by the respondents and this had given a fresh cause of action to the applicant.

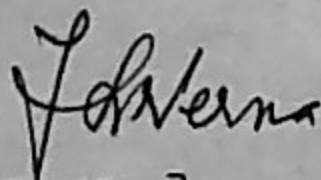
5. We are unable to accept the above views. An order can be reviewed under section 20 of the Central Administrative Tribunal Act 1985 in case there has been an error apparent on the face of the facts or certain new facts have been discovered which were not available earlier. Neither do we find any error apparent on the face of the facts nor have any new facts have been brought to our notice. We therefore find no reason to review our order dated 21.3.1994.

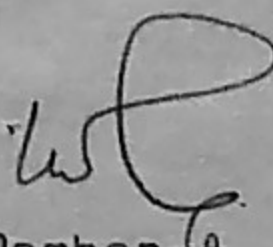
56,

-4-
// 3 //

6. This Tribunal cannot undertake the task of fixation of pay of the applicant. This is the job of the administration and the same should be done in accordance with the law and rules. The Tribunal can adjudicate if violation of any law or rule is alleged. However, it is incumbent upon the respondents in compliance with this Tribunal's order dated 8.1.1991 to consider the version of the applicant as to how his pay should be fixed and what arrears ^{are} ~~and~~ actually due to him before fixing his pay and paying his arrears in accordance that the relevant rules on the subject. We, therefore, direct the respondents that they shall consider the applicant's version in this regard and after applying their mind to the contention of the applicant they shall pass reasoned order with regard to his pay fixation and arrears. As considerable time has already elapsed since Tribunal passed the order dated 8.1.1991, let the direction given by us be complied within a period of 3 months from the date of communication of this order.

7. The Review Application is disposed of with above directions.


Member-J


Member-A,

Allahabad, Dated 19 May 1994.

/pc/