

June 3,2002. (By circulation)

HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

HON. MR. S. DAYAL, A.M.


This Review petition has been filed for recall of order dated 18.8.2000 passed in O.A. No.276/96 directing the respondents to treat the applicant as having retired in Dec.1997 and grant him arrears of salary and other benefits and recalculate his pensionary and retiral benefits.

2. The ground on which the review petition has been filed are that the ratio of the decision of Hon'ble Supreme Court in UOI & others Vs. O.P. Gupta & others in Civil Appeal No.6509/90 decided on 3.9.90 and Union of India & others Vs. A. Ramarao in SLP No.15548/91 decided on 11.10.91 was prospective in nature and since the applicant had retired before the judgment of Hon'ble Supreme Court pronounced the judgment he was not entitled to the benefit of the judgment of Hon'ble S.C. in O.P. Gupta's case. The second argument is that the benefit of the judgment was restricted to the petitioners before the Hon'ble S.C. and could not be extended to all similarly placed persons retrospectively unless specifically directed by Hon'ble S.C. to do so.

3. From a perusal of the order a review of which is sought, it is clear that both applicant as well as the respondents were represented in the O.A. In Para 2 & 3 of the judgment of tribunal it is specifically mentioned that the case was covered by the judgment of Hon'ble S.C. in Civil Appeal No.14970/96 and that the learned counsel for respondents could not show any judgment taking any other view.

4. Therefore, the review petition now filed on the basis of ~~on~~ the plea that the tribunal has taken a wrong view cannot be made subject matter of a review petition, as it does not fall within the scope of review. The review application, is therefore, dismissed. No order as to costs.


A.M.


V.C.