

Review of
Arrests of
Salazar

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

R.A.No. 15/1991

in

O.A. No. 657/1987
~~to A. No.~~

DATE OF DECISION 4th Sept. 1992.

Shri Kataria Naza Khengar, Petitioner

Mr. P.K. Jani, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. R.M. Vin, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V.Krishnan, Vice Chairman.

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Shri Kataria Naza Khengar,
residing at Revabai Nazabhai
Ankur School, Opp. Gandhigram
Railway Station,
Ellisbridge, Ahmedabad.

....Applicant.

(Advocate: Mr. P.K. Jani)

Versus.

1. Union of India,
Western Railway,
Churchgate, Bombay.

2. The Divisional Railway Manager (D/O)
Western Railway Division
Bhavnagar.

.... Respondents.

(Advocate: Mr. R.M. Vin)

ORDER

R.A.No. 15/1991

in

O.A. 657 OF 1987

Date: 4-9-1992.

Per: Hon'ble Mr. N.V. Krishnan, Vice Chairman.

This application seeks a review of the order dated 22.4.91 passed by a Bench consisting of the then Vice Chairman Hon'ble Shri P.H. Trivedi and one of us (i.e. Hon'ble Shri R.C. Bhatt Judicial Member) in O.A. 657/87 by which the respondents were directed to give pay and allowances to the applicant from 6.8.83. The applicant submits that there is an error apparent on the face of this order, because such payment should have been directed to be made from 22.6.76. This is due to the fact that the applicant was transferred on that date from Gandhidham Railway Station to Ranavav Railway Station and this order

was declared null and void by the order dated 30.7.83 in Civil Suit No. 681/78 decided by the Civil Judge (S.D) Bhavnagar. An appeal filed by the respondents against this order (Regular Civil Appeal No.123/83) was received by this Tribunal on transfer under section 29 of the Administrative Tribunals Act, 1985 and registered as T.A. 957/86^u dismissed by the order dated 28.7.87. When the respondents did not pay arrears to the applicant he filed O.A. 657/87. It is the order passed in this O.A on 22.4.91 that is sought to ~~be~~ reviewed.

2. The applicant contents that as the transfer order dated 22.6.76 has been quashed, he is entitled to payment from that date itself^u and not from 6.8.83 only.

3. We heard the learned counsel for the applicant at length. For the reasons given below we find that there is no error apparent on the face of the record.

(i) The prayer in O.A.657/87 was only for arrears of pay and allowance from 1.8.83.

(ii) In this O.A. he could not have either claimed arrears from 22.6.76^u ~~or~~ ^{or} been granted such relief, because such relief ought to have^u ~~been~~ ^{been} claimed and ~~offered~~ ^{obtained} by him in the Civil