

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Review Application No. 24 of 1992
Arising out of O.A.No.415 of 1991

Date of Decision: 24.5.1993

Gayanath Das

Applicant

Versus

Union of India & Others Respondents

For the applicant

M/s .B .K .Sahoo
K.C .Sahoo
C .P .Dash
Advocates

For the respondents

Mr. Ashok Mishra
Standing Counsel
Central Government

C O R A M

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

—AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? NO
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, Judgment passed by the learned Single Judge in Original Application No.415 of 1991 disposed of on 28.8.1992 is sought to be reviewed. The learned Single Judge held that the petitioner is not entitled to any monetary benefits as arrears as the petitioner had worked in the promotional post with effect from 11.1.1991; therefore, the learned Single Judge held that the petitioner cannot be entitled to arrear salary from 31.11.1982 on the principle of 'No Work No Pay'. This order is sought to be reviewed.

2. We have heard Mr.B.K.Sahoo, learned counsel for the petitioner and Mr.Ashok Mishra, learned Standing Counsel. Law is well settled that a judgment can be reviewed only on two grounds i.e. error apparent on the face of the record; and where a document could not be discovered by the person aggrieved despite due diligence exercised by him before the hearing was concluded and the document has been unearthed later, then only a review application would lie. This is the settled position of law so far as provisions contained in order 47 Rule 1 of the Code of Civil Procedure is concerned. Mr.Sahoo submitted that there is an error apparent on the face of the record, because this Bench did not deal with the judgment placed by Mr.Sahoo that the petitioner is entitled to arrear pay even though he has not physically worked and therefore this is an error apparent on the face of the record. We are unable to accept the aforesaid submission of Mr.Sahoo, because the judgments relied upon by Mr.Sahoo had no application to the facts of the present case. There are plethora of judgments of

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the Supreme Court in which Their Lordships have held that on the principle of 'No Work No Pay' arrear salary should not be allowed. At the worst, it may amount to taking of an erroneous view which does not attract the provisions contained under Order 47 Rule 1 of the Code of Civil Procedure. Therefore, we find no merit in this application which stands dismissed leaving the parties to bear their own cost.

B.K. Sahoo
MEMBER (ADMINISTRATIVE)

Copy
24.5.93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 24.5.1993/ B.K. Sahoo

