

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Review Application No. 25 of 1993

Date of Decision: 17.12.1993

Union of India

Applicant(s)

Versus

T.B.Rao

Respondent(s)

(OR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *NO*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? *NO*

KN 17.12.93
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
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Date of Decision: 17.12.1993

Union of India & Others Applicant (s)

Versus

T.B.Rao

Respondent (s)

For the applicant(s)

Mr.P.N.Mohapatra,
Standing Counsel

For the respondent(s)

M/s.G.A.R.Dora
Advocate

C O R A M:

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

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN: I have heard Mr.P.N.Mohapatra, learned Standing Counsel and Mr.Narasingh, learned counsel appearing for the opposite party Shri T.B.Rao who was the petitioner in O.A. No.341/91. The only contention advanced by Mr.Mohapatra is that after the judgment was pronounced in the original application, a clarification (about which a reference has been made in the judgment) has been received to the effect that the petitioner Shri T.B.Rao is entitled to an advance increment provided that he has passed the matriculation examination after obtaining prior permission from the concerned authority to appear in the said examination. According to Mr.Mohapatra, Shri T.B.Rao, not having obtained permission for appearing in the matriculation examination, the judgment should be reviewed and Shri Rao should be dis-entitled from getting an advance increment.

2. On the other hand Mr.Narasingh, learned counsel appearing for the opposite party(s) (T.B.Rao) contended

that admittedly the petitioner has passed the matriculation examination and therefore he is entitled to an advance increment. It was further more submitted by Mr.Narasingh that provisions contained under order 47 rule 1 of the Code of Civil Procedure is not attracted because keeping in view the arguments advanced by Mr.Mohapatra that the petitioner had not obtained the permission from his higher authorities was not the case put forward by the present petitioners while the original application was being argued and therefore there appears no error apparent on the face of the record. In paragraph 7 of the judgment, it has already been observed by the Court that once the incumbent has passed the matriculation examination and he, having satisfied with the qualifications criteria he is entitled to an advance increment. That is also the view taken by the higher authorities. Therefore, Mr.Narasingh submitted that in the absence of any error apparent on the face of the record, provisions contained under order-47 rule-1 of the Code of Civil Procedure is not attracted.

3. I find there is substantial force in the contention of Mr.Narasingh. In the circumstances stated above, I find no merit in the review application which stands dismissed leaving the parties to bear their own costs.

4. In view of the dismissal of Review application, it is directed that the judgment passed in O.A.No.341/91 be implemented within 45 days from the date of receipt of a copy of this judgment.

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17.12.93
VICE-CHAIRMAN

Kentral Administrative Tribunal
Cuttack Bench Cuttack
dated the 17.12.1993/B.K.Sahoo