

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

.....

O.A. No. 563 of 1994.

Tuesday this the 6th day of June, 1995.

HON'BLE MR.P. SURYAPRAKASAM, JUDICIAL MEMBER

N. Gopalakrishnan,
Stenographer Gr.II,
All India Radio, Trichur. : Applicant

(By Advocate Shri K. Prabhakaran)

Vs.

1. The Station Engineer & Head of Office,
All India Radio,
Trichur-680631.
2. Director General,
All India Radio,
New Delhi- 110001.
3. Director General (News),
All India Radio,
New Delhi-110001.
4. The Director,
Doordarshan Kendra,
Bangalore - 560 006. : Respondents.

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

O R D E R

P. SURYAPRAKASAM, JUDICIAL MEMBER

Applicant is a Grade II Stenographer working in All India Radio (A.I.R. for short), Trichur since 11.1.1993 and he has filed this O.A. for two prayers viz.,

1. The Hon'ble Tribunal may be pleased to issue immediate directions to the respondents to draw arrears of salaries, reimbursement of TA/DA in respect of transfer ordered from Bangalore to Trichur and Trichur to Bangalore, including medical claims.
2. To direct the 1st respondent to immediately fix the pay of the applicant and allow to draw the arrears of wages w.e.f. 5.1.87.

Learned counsel for respondents has submitted that as regards the 1st prayer, the TA/DA in respect of transfer ordered from Bangalore to Trichur and Trichur to Bangalore, has already been settled, to the satisfaction of the applicant. This has been acknowledged by the applicant's counsel also. As regards medical claims which is dated 28.9.93, respondents' counsel has submitted in the additional reply statement to the following effect:

"The true copy of the documents submitted by the applicant, is produced herewith and marked as Annexure R-1. Since the applicant has availed the medical treatment other than the Government Hospital, and his submission of claim attracting time limitation, the respondents are not in a position to allow the claims and referred it to the Headquarters for necessary sanction. The same will be allowed and granted as and when sanction is received from the Headquarters."

2. Further, respondents' counsel has fairly conceded that the question of limitation or the delay in claiming the re-imbursement by the applicant will not be stressed and delay if any, will be condoned by the authorities and the medical bill will be passed subject to the rules. This endorsement has been recorded.

3. As regards the 2nd prayer, the order by the higher authorities to re-fix the seniority as well as the fixation of pay with retrospective effect with effect from 5.1.87 has been permitted under A-9 dated 3.5.91. It is unfortunate that till this date, this order has not been

complied with by the authorities. 1st respondent is directed to pass an order fixing the pay and calculate the arrears of pay and disbursement of the same within four months from the date of receipt of the copy of the order, to the applicant.

4. With these directions, application is disposed of and in the circumstance, there is no order as to costs.

Tuesday, this the 6th day of June, 1995.


P. SURYAPRAKASAM
JUDICIAL MEMBER

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List of Annexures

Annexure R1: Letter dated 23.12.94 addressed to The Station Director, All India Radio, Trichur by Applicant.

Annexure A9: Copy of letter No.1(13)89-S dated 3.5.91 issued by Third respondent.

List of Annexures

Annexure A3: True copy of the Order No.TRC-10(2)
95-S/8178 dated 4.11.95 passed by the
first respondent.

Annexure A4: True copy of the Representation
dated 4.11.95

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

R.A. No. 58/95 in O.A. No. 563/94.

Tuesday this the 22nd day of August, 1995.

CORAM:

HON'BLE MR. P. SURYAPRAKASAM, JUDICIAL MEMBER

1. Station Engineer &
Head of Office,
All India Radio,
Trichur- 680 631.
2. Director General,
All India Radio,
New Delhi- 110 001.
3. Director General (News),
All India Radio,
New Delhi-110 001.
4. The Director,
Doordarshan Kendra,
Bangalore-560 006.

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

U.S.

N. Gopalakrishnan
Stenographer Grade II.,
All India Radio, Trichur. .. Respondent.

(By Advocate Shri K. Prabhakaran)

ORDER

P. SURYAPRAKASAM, JUDICIAL MEMBER

The Review Application 58/95 has been filed by the respondents in the main O.A.-563/94 as against the order dated 6.6.95 or direction of the Tribunal made in the abovesaid O.A., to the effect that:

"The order by the higher authorities to re-fix the seniority as well as the fixation of pay with retrospective effect with effect from 5.1.87 has been

permitted under A-9 dated 3.5.91. It is unfortunate that till this date, this order has not been complied with by the authorities. 1st respondent is directed to pass an order fixing the pay and calculate the arrears of pay and disbursement of the same within four months from the date of receipt of the copy of the order, to the applicant."

This was sought to be reviewed on the ground that the said order dated 3.5.91 was superceded by order dated 4.1.92 issued by the same authority.

2. This letter does not either find a place in the reply statement of the respondents or furnished at least during the arguments. Further, the reading of the said letter, clearly shows that it has not superceded the order dated 3.5.91, as claimed in the Review Application.

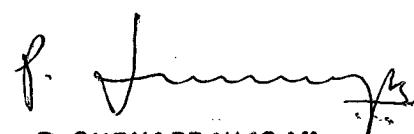
3. The Hon'ble Supreme Court has clearly laid down the law in Maera Bhanja(Smt.) Vs. Nirmala Kumari Choudhury(Smt.) (1995 1 SCC 170) with regard to the entertainment of Review Applications, which is as follows:

"The review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of order 47, Rule 1, CPC. The Review petition has to be entertained only on the ground of error apparent on the face of the record and not on any other ground. An error apparent on the face of record must be such an error which must strike one or mere looking at the record and would not require any long-drawn process of reasoning on points where there may conceivably be two opinions. The limitation of powers of court under Order 47 Rule 1, CPC is similar to the jurisdiction available to the High Court while seeking review of the orders under Article 226."

4. The averments of the present Review Application does not come within the said categories enumerated therein. Further more, the Review Application itself has been filed with a delay of 32 days. In the accompanying affidavit filed in support of condonation of delay of 32 days in filing the Review Application does not also give valid reasons to condone the said delay. Further, Hon'ble Supreme Court has repeatedly held that every day's delay has to be clearly explained and in the present case, the said thing has not been followed.

5. Therefore, I see no merit in the Review Application No. 58/95 in OA- 563/94 and is thus dismissed. Consequently, the application for condonation of delay (MA-873/95 in RA-58/95) also is dismissed. No costs.

Tuesday this the 22nd day of August, 1995.



P. SURYAPRAKASAM
JUDICIAL MEMBER

FOR SIGNATURE OF THE JUDICIAL MEMBER
REVIEWED AND APPROVED THE JUDICIAL MEMBER

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