

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

Review Application No.110/2004

In

O.A.No.430/2000

This the day of ~~6~~ October 2005

**HON'BLE SHRI S.P. ARYA, MEMBER (A)**

**HON'BLE SHRI M.L. SAHNI, MEMBER (J)**

Union of India through its Secretary, Department of Posts, Dak Bhawan, New Delhi and others

...Reviewist/Applicant.

By Advocate: Shri S.P. Singh.

Versus.

Sant Ram Srivastava

...Respondents/Original Applicant.

Inre

Sant Ram Srivastava

... Applicant.

Versus.

Union of India & Others.

... Respondents.

By Advocate: Shri R.S. Gupta.

**ORDER**

**BY HON'BLE SHRI M.L. SAHNI, MEMBER (J)**

1. The respondents in the O.A.No.430/2000 have filed a Review application alongwith two applications, one for interim relief and

the other for condonation of delay in filing the Review Application on 16.12.2004. The order review of which is being sought is dated 14.10.2004. Notice of these M.Ps. was issued to the applicant so that, before the prayer of the respondents is considered, original applicant is also heard.

2. Shri R.S. Gupta, Advocate has put-in appearance on behalf of the applicant. He has filed reply with the objection that the review application is filed after the prescribed time limit.
3. We have heard the learned counsel for the parties and have given our thoughtful consideration to the facts as stated on behalf of the respondents.
4. Order dated 14.10.2004 was passed partly allowing the O.A. of the applicant. It is submitted on behalf of the reviewist/respondents that only a clarification of the order is required and no review in strict sense is desired, for which no limitation is prescribed under the rules.
5. Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 provides that no petition for review shall be entertained unless, it is filed within 30 days from the date of the order of which the review is sought. Admittedly, the present petition is filed on 16.12.2004 and review being sought is of order dated 14.10.2004. This means that application is clearly beyond the prescribed period of limitation and no review petition is entertainable. Prayer for condoning the delay under Section 5 can also not be entertained in view of the law as laid down in G.

**Narsimha Rao Vs. Regional Director of School Education,  
Warrangol and Others (2005) (4) SLR-720.**

6. Since the Learned counsel for the Reviewist/respondents, wants only a clarification of the order, we consider his submissions to that limited extent.
7. It is clear from Para-8 of the order that the applicant is not held entitled to retain the amount of Rs.22,124.25 paisa as earned by him during the period he was not in the service of the respondents as commission for his Agency because, when he was re-instated, he was paid full back-wages considering him to be in service for the period including that, when he had earned said amount. The respondents were held, justified in deducting the said amount from the arrears payable to the applicant on his re-instatement.
8. *Sought is*  
The clarification was, with regard to the observation made in para-9 wherein, it is stated that the applicant shall not be entitled to any interest on the arrears or refund of commission of Rs. 22,124.25 paisa as claimed in the O.A. In view of the foregoing discussion in para-8, it is made clear that while respondents are entitled to the refund of commission of Rs.22,124.25 paisa, the applicant cannot claim any interest on such an amount to which, he was held having no right. The remaining part of the order, however, shall have to be complied by the respondents within a period of one month from today, failing which, as already provided in the order, respondents would be liable to pay interest @ 9% per annum on the amount

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of arrears of pay and consequential benefits till the date of  
actual payment.

9. M.P. 110/2004, accordingly stands disposed of.

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(S.P. ARYA)

MEMBER (A)

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M.L. SAHNI  
(M.L. SAHNI)

MEMBER (J)