

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH**

**Review Application No.2/2009**

**In**

**Original Application No.444/2008**

**This the 7<sup>th</sup> day of May 2009.**

**HON'BLE MR. M. KANTHAIAH, MEMBER (J)**  
**HON'BLE DR. A.K. MISHRA, MEMBER (A)**

V.K. Mishra ..... ..Applicant.

**By Advocate: Shri P.N. Dwivedi.**

**Versus.**

U.O.I. & Others. .... Respondents.

**By Advocate: None.**

**ORDER**

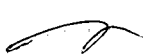
**BY MR. M. KANTHAIAH, MEMBER (J)**

The respondents have filed this Review Petition under Section-22 (3) (7) of Administrative Tribunal Act 1985 for review of judgment and order Dt.17.12.2008 passed in main O.A. on the ground that the representations of the various staff association and individuals have already been decided by a common order of the Department of Revenue, Government of India, vide order dt. 23.03.2005 and in such circumstances issuing direction to the Respondent No.21 to consider the representations of the applicants by way of disposal of the OA does not serve any purpose. They have also further stated that the

case was ripe for final hearing after completion of pleadings and in such circumstances giving of disposal of OA with a direction to the disposal of the pending representations of the applicants dt.08.09.2005 (Ann.A.-3) is required to be reviewed for further hearing of the matter on merits.

2. The matter has been taken up under Circulation.

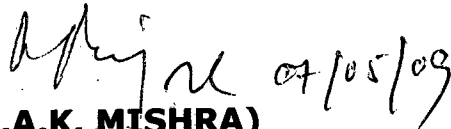
3. The applicants no.1 to 3 have filed the OA with a prayer to issue direction to the respondents to remove the anomaly in the pay scale and revise the pay scale of the applicants also from 21.04.2004 i.e. the date the scale of pay of the Executive category of officers was revised with all consequential benefits and on 17.12.2008 the case had been taken up in the presence of both the parties and disposed of with a direction to the Respondent No.1 to consider the pending representations of the applicants dt. 08.09.2005 (Ann.A-3) and also by treating this OA as additional representation of the applicants and pass reasoned order within a period of three months from the date of receipt of the copy of this order. Admittedly, this Tribunal has not given any findings on merits on the ground that the representations of the applicants have been pending with the Respondent No.1 and in such circumstances direction was given for disposal of the same now by way of the review application. It is the case of the applicants that such representations made by the various Ministerial Staff Associations and individuals have already been decided by a common order of the Department of Revenue, Government of India, vide letter dt. 23.03.2005 and in such circumstances no purpose would be




served in carrying out the direction. It is not in dispute when such common order dt.23.3.2005 in respect of representations made by other Ministerial Staff Associations and individuals is not at all a subject matter in the present OA and in such circumstances, it is not open to the applicants to seek review of the order passed by this Tribunal in presence of both the parties placing reliance on that order.

6. The scope of review under Section-22 (f) of Administrative Tribunal Act 1985 read with under Rule 17 of the Central Administrative Tribunal (Procedure) Rules 1987 is very limited and order of the tribunal can be reviewed if there are any typographical error or mistake on the face of the records but no such circumstances are prevailing in the present case for entertaining the review application of the applicants and as such, the claim of the applicants for review of the order of the tribunal dt.17.12.2008 is not at all maintainable and thus, liable for rejection.

In the result, review application is rejected. No costs.

  
(DR.A.K. MISHRA)  
MEMBER (A)

  
(M. KANTHAIAH)  
MEMBER (J)  
07.05.09

AMIT/-

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enclosed  
07.05.09  
12-5-09