

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

R.P.No.2004/2002 in OA.NO.501/96

Dated this the 25TH day of June 2002.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Hon'ble Smt.Shanta Shastri, Member (A)

Tulsiram Marotirao Farkade

...Applicant

vs.

Union of India & Ors.

...Respondents

TRIBUNAL'S ORDER

{Per : Shri S.L.Jain, Member (J)}

The applicant in OA.NO.501/96 which was decided on 11.1.2002, the copy of which was received by the applicant on 30.1.2002 has filed this Review Petition on 15.2.2002.

2. The OA. was dismissed on account of the fact that it was barred by time but only with a view that the matter attaches finality and in case the view regarding limitation is taken otherwise, it was also decided on merits.

3. The ground on which Review Petition is filed is that the plea of limitation does not stand and the Apex Court has held that where Government itself is at fault, it should not stand on plea of limitation. If we consider the same as a ground for review, then the applicant is re-arguing his case on question of limitation which cannot be permitted in view of Apex Court decision reported in JT 2000(7) S.C.359.

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4. The second ground on which review is sought is that in B.C.R.Scheme only 26 years of satisfactory service is required for consideration for getting the benefit of the said Scheme which the applicant completed on 5.7.1988. As the Scheme came in force w.e.f.1.10.1991, the subsequent event regarding issue of chargesheet dated 31.3.1990 and penalty awarded on 28.10.1992 which was operative till 31.10.1992 cannot be taken into consideration. The said plea appears to be a ground for not considering the applicant for B.C.R.Scheme but it was not the sole ground for dismissing his OA.

5. Regarding Review DPC dated 22.12.1995 met on 16.7.1996, the Tribunal observed that as the OA. was filed on 6.5.1996, it being subsequent cause of action, the said grievance cannot be raised in the present OA. The applicant who failed to agitate the said cause of action by filing a fresh OA. or even amending the present OA. if permissible by law is entitled to raise such pleas as and when he desires so.

6. In the result, we do not find any ground which suggests that there is an apparent error on the face of record to review the order dated 11.1.2002. Review Petition deserves to be dismissed and is dismissed accordingly.

Shanta Shastri

(SMT.SHANTA SHASTRY)

MEMBER (A)

S.L. Jain

(S.L.JAIN)

MEMBER (J)

mrj.

dt. 25.6.02.
Order/Judgment despatched
to Applicant/Respondent (s)
on 1.8.02

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