

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI  
CAMP AT AURANGABAD

ORIGINAL APPLICATION NO: 1049/99

MONDAY the 3rd day of DECEMBER 2001

CORAM: Hon'ble Shri S.R. Adige, Vice Chairman  
Hon'ble Shri S.L. Jain, Member(J)

Bahan Sandu Suryawanshi  
Residing at Rokdafarm,  
Post Wadsi,  
Taluka: Bhadgaon,  
District: Jalgaon.

...Applicant



V/s

1. The Union of India,  
(Through Controller General  
of Defence Accounts, West Block,  
V. Ramkrishnapuram,  
New Delhi - 110 066.

2. Chief Controller of Finance  
& Accounts (FYS) 10-A  
Aukland Road,  
Calcutta - 700 001.

3. Chief Controller of Defence  
Accounts, (Pensions)  
Allahabad (U.P.)

4. Sr. Accounts Officer,  
Ordinance Factory,  
Varangaon.

...Respondents

By Advocate Shri R.K. Shetty.

ORDER (ORAL)

( Per S.R. Adige, Vice Chairman )

The applicant impugns respondents order dated 12.8.1998, seeking the benefit of CAT, Calcutta Bench order dated 2.6.1995 in OA 1048/90 in the case of Pijan Bihari Chakraborty V/s Union of India and others. He seeks grant of special pay of Rs. 35/- from 20.4.1985 till 20.4.1988 and from 20.4.1988 onwards.

2. None appeared for the applicant when the case called upon. Shri R.R. Shetty appeared on behalf of the respondents.

3. The applicant's contention is that two of his juniors, one Shri S.S. Prasad and another D.V.S. Nadar, were drawing more pay than him despite being his juniors. Shri Shetty had drawn our attention to respondents reply in which it has been stated that S.S. Prasad had never drawn pay higher than the applicant during the entire service career. So far as the case of D.V.S. Nadar is concerned, Shri Nadar started drawing higher pay than the applicant not on account of the special pay of Rs. 35/- being drawn by him, but because he had opted to fix his pay on appointment to Senior Grade Auditor with effect from 1.11.1981 from the date of accrual of increment in the lower grade, and accordingly derived the benefit, whereas the applicant did not opt for this benefit and sought pay fixation immediately on his promotion with effect from 20.1.1981. These assertions contained in respondent's reply have not been denied in any rejoinder filed by the applicant.

4. That apart, the impugned order<sup>is</sup> dated 12.8.1998, while the present OA was filed on 22.10.1999 and <sup>is</sup> therefore hit by limitation under Section 21 of AT Act. Therefore the OA warrants no interference and <sup>is</sup> ~~therefore~~ dismissed. No costs.

(S.L.Jain)  
Member(J)

(S.R.Adige)  
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

REVIEW PETITION NO 20/2002 in  
ORIGINAL APPLICATION NO: 1049/99

CORAM: Hon'ble Shri B.N. Bahadur, Member (A)

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

Baban Sandu Suryavanshi ...Applicant

V/s

Union of India and others. ...Respondents.

By Advocate Shri R.R. Shetty.

TRIBUNAL'S ORDER ON REVIEW PETITION NO 20/2002 DATED:28.11.2002

This is an application under Rule 17 of the CAT Procedure Rules 1987 for review of the order passed in OA 1049/99 dated 3.12.2001.

2. The applicant has filed Review Petition No. 22.4.2002 alongwith delay condonation application. The ground stated in delay condonation application is that after receipt of copy of the order, the Advocate of the applicant addressed a letter to the applicant alongwith copy of judgement. The applicant received the letter sometime in the first week of April 2002. It is worth mentioning that the certified copy of the order was supplied to the advocate on 20.1.2002. The applicant very cleverly not mentioned the date on which the advocate has addressed the letter to him, and when posted. He has also not placed the letter alongwith envelop on record to satisfy the Tribunal about the said Act. The delay can be condoned provided all the facts are truly mentioned and supported by relevant documents. In such circumstances we do not find any ground to condone the delay as no documents are placed on record.

*Shri R.R. Shetty*

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3. In the result the M.P. for condonation of delay deserves to be dismissed and is dismissed accordingly. Therefore the Review Petition being barred by time also deserves to be dismissed as such, <sup>and is dismissed.</sup> No order as to costs.

*P. (S.L.)*  
(S.L.Jain)  
Member(A)

*B. N. Bahadur*  
~~(B.N. Bahadur)~~  
Member (A)

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