

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

RA 12/02 in

OPEN COURT / PRE DELIVERY JUDGMENT IN OA 50501

Hon'ble Vice Chairman / ~~Member (J)~~ / ~~Member (A)~~

may kindly see the above Judgment for
approval / signature.

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~~V.C. / Member (J)~~ / Member (A) (K/S)

Hon'ble Vice Chairman *p. visit*

Hon'ble Member (J)

Hon'ble Member (A) (K/S)

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

REVIEW PETITION NO. 12/2002
IN
ORIGINAL APPLICATION NO. 505/2001

THIS THE TH DAY OF APRIL, 2002

CORAM:

HON'BLE SHRI JUSTICIE BIRENDRA DIKSHIT. VICE CHAIRMAN
HON'BLE SMT. SHANTA SHASTRY MEMBER (A)

Date of Decision: 24.04.2002

MES Employees Union, Mumbai & anr.

Applicant(s)

Shri P.A. Prabhakaran.

Advocate for applicant

Versus

Union of India & others

.. Respondents

CORAM: HON'BLE SHRI BIRENDRA DIKSHIT. VICE CHAIRMAN
HON'BLE SMT. SHANTA SHASTRY. .. MEMBER (A)

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?
- (3) Library ✓

Shanta
(SMT. SHANTA SHASTRY)
MEMBER (A)

Gajan

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

REVIEW PETITION NO. 12/2002
IN
ORIGINAL APPLICATION NO. 505/2001

THIS THE 24TH DAY OF APRIL, 2002

CORAM:
HON'BLE SHRI JUSTICIE BIRENDRA DIKSHIT. VICE CHAIRMAN
HON'BLE SMT. SHANTA SHASTRY MEMBER (A)

MES Employees Union, Mumbai
through its General Secretary & Anr. .. Applicants

By Advocate Shri P.A. Prabhakaran.

Versus

Union of India (M/s Defence) & Ors. .. Respondents

O R D E R
Hon'ble Smt. Shanta Shastri. Member (A)

This review petition has been filed in respect of the order dated 15.02.2002 in OA No.505/2001. The OA was allowed holding the applicants as entitled to the pay scales of the skilled grade of Rs.260-400 from the date of their appointment. In regard to the arrears however, they were restricted to from one year prior to filing of the OA. The review is sought in regard to the later relief regarding payment of arrears. The applicants are praying for full arrears.

2. The main ground taken is that earlier in similar judgments decided by the various Benches of the Tribunal, namely Madras, Jodhpur, Jabalpur, Chandigarh and Mumbai Benches, full arrears were allowed on actual basis. The applicants have referred to several judgments including full bench decision in OA No.525/98

reported in AT Full Bench judgments and the consequential orders in Division Bench in which arrears on actual basis were ordered with effect from 01.01.1973 under similar circumstances based on orders of Single Bench at Calcutta. Alternatively, the applicants have prayed to refer the matter to the Full Bench.

3. We have perused the grounds. Review petition is normally maintainable if it comes within four corners of Order XXXVII Rule-1 and Section 114 of the Code of Civil Procedure. Accordingly review is permissible if there is discovery of new and important matter of evidence which after exercise of due diligence was not within the knowledge of the applicant concerned or could not be produced by the applicant at the time when the order was made or on account of some mistake or error apparent on the face of the record or for any other sufficient reason. The scope of the review petition is narrower than that of an appeal and cannot be asked for merely for fresh hearing of arguments or correction of allegedly erroneous view taken earlier. It can be only for correction of patent error of fact or law which stares one in the face without any elaborate arguments being made for establishing the case. What the applicants are seeking in the present review petition is a modification of the relief granted. In our considered view the applicants have only tried to reargue the case. There are no new facts or no error apparent on the face

of the record. In the result the review petition is not maintainable and the RP is accordingly rejected.

Shanta

(SMT. SHANTA SHASTRY)
MEMBER (A)

B. Dikshit

(BIRENDRA DIKSHIT)
VICE CHAIRMAN

Gajan

dt. 24.4.2002
order/Judgment despatched
to Applicant/Respondent (s)
On 27.5.2002

P.R.
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