

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Dated : 22 MAR 1988

REVIEW APPLICATION NO. 7 / 88  
IN APPLICATION NO. 696/87(F)  
W.P. NO. \_\_\_\_\_

Respondent

V/s The Secy, M/o Defence, New Delhi & 2 Ors

1. Shri M.V. Narayanaswamy  
A/6/2, 'Sriram'  
G.O.C.H. Colony  
Basant Nagar  
Madras - 600 090

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/~~INTERIM~~/~~ORDER~~  
 Review  
 passed by this Tribunal in the above said application on 17-3-88

DEPUTY REGISTRAR  
(JUDICIAL)

Encl : As above

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 17TH DAY OF MARCH, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri L.H.A. Rego, Member (A)

REVIEW APPLICATION NO. 7/1988

Shri M.V. Narayanaswamy,  
No.A/6/2/Sriram,  
GOCH Colony,  
Basant Nagar,  
Madras.

... Applicant

v.

1. Union of India by its  
Secretary, M/o Defence,  
South Block,  
New Delhi-11.

2. Financial Adviser,  
Defence Services,  
M/o Defence, South Block,  
New Delhi-11.

3. Controller General of Defence  
Accounts, West Block-V, R.K. Puram,  
New Delhi-66.

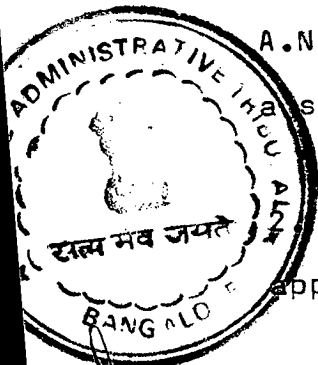
... Respondents.

This application having come up for hearing to-day,  
Vice-Chairman made the following:

O R D E R

In this application made under Section 22(3)(f) of the  
Administrative Tribunals Act, 1985 ('Act') the applicant  
has sought for a review of our order made on 7.12.1987 in  
A.No.696/87 in so far as the same rejected his claim for  
special pay of Rs.100 per month for a certain period.

The applicant who was the applicant in A.No.696/87  
appeared in person and argued that case before us. On the



conclusion of the arguments by both sides, we dictated our order in the open court, dismissing his application in so far as it related to his claim for special pay (vide paras 23 and 27 of our order). In conformity with the Act and the Rules the applicant was supplied with a free copy of our order by the Registrar in his communication dated 4.1.1988, despatched on 7.1.1988 received by him on 11.1.1988. We accept the statement of the applicant that he received our order copy only on 11.1.1988.

3. The applicant presented his review application by post and the same has been received by this Tribunal on 8.2.1988. We must, therefore, take 8.2.1988 as the date on which this Review Application has been presented before the Tribunal.

4. Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 (the Rules) regulating the period of limitation for filing review applications reads thus:

"17. Review of application to be filed within thirty days: No application for review shall be entertained unless it is filed within thirty days from the date of the order of which the review is sought."



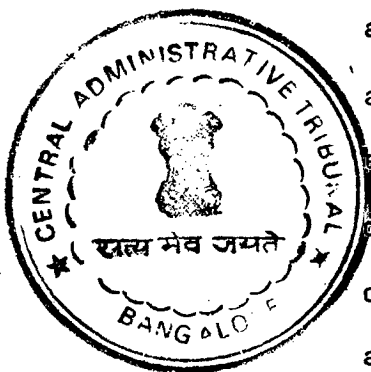
Under this rule, an application for a review has to be presented within 30 days from the date of the order and not within 30 days from the date of receipt of the order. If that is so, there is a delay of 32 days in filing this Review Application. In IA No.1 the applicant while

asserting that his Review Application, computing the limitation from the date of receipt of the order was in time, has however, sought for condonation of delay on the ground that he was under the impression that the period of limitation had to be computed from the date of receipt of the order. We will even accept the plea of the applicant and condone the delay and deal the application on merits.

5. In our order, we have examined the claim of the applicant for special pay and upheld the order made by the Controller General of Defence Accounts (CGDA) who had rejected the same. Every one of the reasons <sup>to are</sup> that urged by the applicant at great length really asks us to reexamine every one of the reasons given by us for rejecting his claim for special pay, as if we are a court of appeal. We cannot act as a court of appeal and sit in judgment on our own order. We cannot re-examine the order as if we are a court of appeal and come to a different <sup>to conclusion</sup> ~~opinion~~. We are of the view that the order in so far as it had rejected the claim of the applicant does not suffer from any patent error to justify a review of our order.

6. In the light of our above discussion we hold that this application is liable to be rejected. We, therefore, reject this application at the admission stage itself without notice to the Respondents.

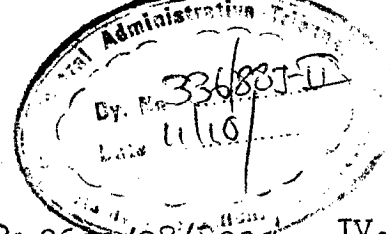
TRUE COPY



*[Signature]* sd/-  
DEPUTY REGISTRAR (JDL) / VICE-CHAIRMAN  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

*[Signature]* sd/-  
MEMBER (A) *[Signature]*  
17.3.88

Recd. today by post  
R. K. S. R. K.



D. No. 2622/88/Secs IV.A  
SUPREME COURT OF INDIA  
NEW DELHI

Dated 4th October, 1988

From:

The Additional Registrar,  
Supreme Court of India,  
New Delhi

To

The Registrar,  
Central Administrative Tribunal,  
B.D.A. Complex, Indira Nagar,  
Bangalore - 560 038  
PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 6894 OF 1988  
(Petition under Article 136 of the Constitution of India, for  
Special Leave to Appeal to the Supreme Court from the judgment  
xxxx Order dated 17.3.88 of the High Court of  
Central Administrative Tribunal, Bangalore in Review Application  
No.7/88.)

M.V.Narayanaswamy

.....Petitioner .

vs


Union of India & Ors.

.....Respondents .

Sir,

I am to inform you that the Petition above-mentioned for  
Special Leave to Appeal to this Court was filed on behalf of  
the Petitioner above-named from the ~~judgment and~~ Order of the  
Central Administrative Tribunal, Bangalore  
~~High Court~~ noted above and that the same was/were dismissed/  
~~disposed of~~ by this Court on the 3rd day of October  
1988.

Yours faithfully,

  
for ADDL. REGISTRAR.

AS|

ns/14.9.1988/iva\*