

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 25TH 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 NOS. 29 TO 45/1988

1. The Accountant General (A&E),
Karnataka,
Bangalore.
2. The Comptroller and Auditor
General of India, Post Bag No.7,
Indraprastha Head Post Office,
New Delhi.
3. The Government of India, by its
Secretaries, M/o Finance,
Department of Expenditure,
New Delhi. ... Applicants.

(Shri M. Vasudeva Rao, C.G.A.S.C.)

v.

1. Smt. Vasantha,
Aged about 41 Years,
W/o. Sri. S. Narasimhan,
Senior Accountant.
2. Smt. Bharathamatha,
Aged about 44 years,
W/o. Sri. B.S. Nityananda Gupta,
Senior Accountant.
3. Smt. G.S. Lalitha,
Aged. about 39 years,
W/o. Sri. R.N. Venkata Subba Rao,
Senior Accountant.
4. Sri. K. Srinath,
Aged about 42 years,
S/o. H.S. Dwarakanath,
Senior Accountant.
5. Sri. M. Lingesh,
Aged about 54 years,
S/o. Sri. Muniswamappa,
Senior Accountant.
6. Sri. A.S. Jayathirtha,
Aged. about 48 years,
S/o. Sri. A.L. Sethumadhava Rao,
Senior Accountant.



7. Sri S.K. Kuppaswamy,
Aged about 58 years,
S/o. Late Krishnaswamy Iyengar,
Senior Accountant.
8. Sri. K. Subramanyam,
Aged about 47 years,
S/o. Late B.V. Krishnamurthy,
Senior Accountant.
9. Sri M. Basavaraju,
Aged about 47 Years,
S/o. Sri. D.C. Mugeravaliappa,
Senior Accountant.
10. Smt. S. Vathsala,
Aged about 44 years,
W/o. Sri. S. Sridhar,
Senior Accountant.
11. Smt. N.S. Amruthavally,
S/o. Sri.K.T. Vigamapriyan,
Senior Accountant.
12. Sri. Rajasekharan,
Aged about 41 years,
S/o. Sri. N. Gopalan,
Senior Accountant.
13. Sri. H.N. Hiriyantha Swamy,
Aged about 44 years,
S/o. Sri. HN Suryanarayana Rao,
Senior Accountant.
14. M.S. Venkataramu,
Aged about 48 years,
S/o. Late M.V. Subramanya Sastry,
Senior Accountant.
15. Smt. P. Shivender Kaur,
Aged about 41 years,
W/o. Sri Joginder Kaur,
Senior Accountant.
16. Sri. B.N. Ramesh,
Aged about 43 years,
S/o. Sri. B.N. Murthy,
Senior Accountant.
17. Sri. S. Sreedhara,
Aged about 42 years,
S/o. Late M. Seshagiri Rao,
Senior Accountant. Respondents.

(The above respondents are working
in the O/o the Accountant General
(Accountants & Entitlement),
Karnataka, Bangalore)

(Dr. M.S. Nagaraja, Advocate)



These applications having come up for hearing to-day, Vice-Chairman made the following:

O R D E R

These are applications for review of our orders made in Application Nos. 121 to 132 and 135 to 139 of 1988.

2. The applicants herein were the respondents and the respondents herein were the applicants in the aforesaid original applications.

3. On 9th and 12th February, 1988, the original applications filed by the respondents were disposed of by a Division Bench of this Tribunal following the ruling in M. NANJUNDASWAMY AND OTHERS v. ACCOUNTANT GENERAL AND OTHERS (1987 (3) SLJ (CAT) 531).

4. In Nanjundaswamy's case we have held that the order of Government of India made on 12.6.1987 reproduced in its entirety at para 31 of the order directing that the revision of pay scales to the cadres referred to in that order, should be given effect ^{by to} from 1.1.1986 instead of from 1.4.1987 as stipulated by Government in that order.

5. In the later orders made, a review of which is sought by the applicants, we have only applied that very principle without doing anything more.

6. But the applicants have still contended that Nanjundaswamy's case had its application only to Accountants and not to senior Accountants and the application of that

order to senior Accountants suffers from a patent error apparent on the face of the record. Shri M. Vasudeva Rao, learned Additional Standing Counsel appearing for the applicants, highlighted this very aspect and urges for a review of our orders.

7. Dr. M.S. Nagaraja, learned Advocate who had appeared for the respondents in the original applications, had suo motu taken notice for them opposes these applications.

8. In Nanjundaswamy's case, all that we have done was to direct the applicants herein or Government that the revision of pay scales effected by Government in its order dated 12.6.1987 given effect ^{to} ~~by~~ it only from 1.4.1987 should be given effect to from 1.1.1986. In reaching that conclusion, we have not differentiated on the different cadres to which Government itself had extended its benefit. We have only held that the very benefit given by the Government in its order dated 12.6.1987 should be given effect from 1.1.1986 and not from 1.4.1987. In the orders, the review of which is sought by the applicants, we have only extended that very benefit to the respondents.

9. We are also of the view that our order in Nanjundaswamy's case, also rightly extended to the respondents, does not proceed on any distinction and difference between the Accountants and the Senior Accountants and other categories, if any, that are referred to in the order of Government. We have, therefore, no hesitation in holding

that our orders made, the review of which is sought by the applicants, does not suffer from any patent error justifying a review at all. What had been enunciated by the Supreme Court in SUSHIL KUMAR SEN v. STATE OF BIHAR (AIR 1975 SC 1185) and NORTHERN INDIA CATERERS v. Lt. GOVERNOR OF DELHI (AIR 1980 SC 675) only supports our above conclusion.

10. On the foregoing discussion, we hold that these applications are liable to be rejected. We, therefore, reject these applications. But, since the respondents have entered appearance before they were notified, we decline them costs.

Mr. Bhulaiyal
VICE-CHAIRMAN 25/3/1988

Al. e/s
MEMBER (A) 25-5-88

np/Mrv.