

Encl : As above

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THE SIXTEENTH DAY OF FEBRUARY, 1989.

Present: Hon'ble Shri L.H.A. Rego .. Member(A)

REVIEW APPLICATION NOS. 5 TO 7/1989

1. Smt. B.R. Indumathi
W/o. C. Ethirapalu
Aged about 41 years.
2. Smt. K.S. Lalithamma
W/o. K.N. Gopalakrishna
Aged 41 years.
3. Smt. N. Shantakumari
W/o. B. Subramani
Aged 38 years .. Applicants

(All are working as Computers in
the office of the Joint Director
of Census Operations in Karnataka,
No.21/1, Mission Road, Bangalore-7)

(Shri S. Ranganatha Jois, Advocate)

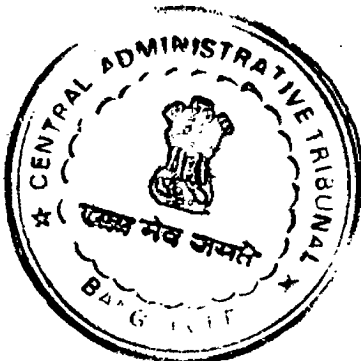
Vs.

1. The Joint Director of Census
Operations in Karnataka
No.21/1, Mission Road
Bangalore-27.
2. The Registrar General of India
New Delhi.

These review applications
having come up for hearing before this Tribunal
today, Hon'ble Shri L.H.A. Rego, Member (A),
made the following:

ORDER

In these review-applications,
the review-applicants, pray for recall of the
Order passed by this Tribunal in the Original
Applications Nos 1523, 1524 and 1526 of 1988
decided on 14.10.1988, ^{de} review of the same and grant of
consequential benefits.



2. The factual matrix⁴² of the case, has already been narrated in the original applications, the primal contention of the applicants being, that their emoluments as originally fixed on 13.11.1985 but later reduced by the Director of Census Operations, Karnataka, Bangalore, in the grade of Computers in the Directorate of Census Operations, Bangalore, be restored.

3. The main ground advanced in the review-application, by Shri Ranganatha Jois, learned counsel for the review-applicants, is that, this Tribunal proceeded on an erroneous presumption, that their pay was wrongly stepped-up under the Fundamental Rule (FR) 22-C. He further submitted, that the respondents had not stated any reason, as to why the pay so stepped up, was liable to be cancelled and that the details of the audit objection, which, was the basis for annulling the pay so fixed, were not made known to the applicants, which was violative of the principles of natural justice. He, therefore, pleaded in the light of the above, that the observation of this Tribunal, in para 13 of its decision, rendered on 14.10.1988, in the original applications, prima facie, suffered from a patent error and the same was therefore, liable to be reviewed. He also contended, that the subsequent conversion of ad hoc promotions, granted to those, junior to the review-applicants,



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in the grade of Computers, as regular, was contrary to the principles of estoppel.

4. These review-applications are seen to have been filed before the Tribunal on 25.1.1989 i.e., after a lapse of 103 days from the date, the decision was rendered by this Tribunal on 14.10.1988. There is thus a fairly long delay of 72 days according to Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, in filing the applications before this Tribunal. The applicants however have not filed any application for condonation of this delay, in accordance with Section 21 of the Administrative Tribunals Act, 1985.

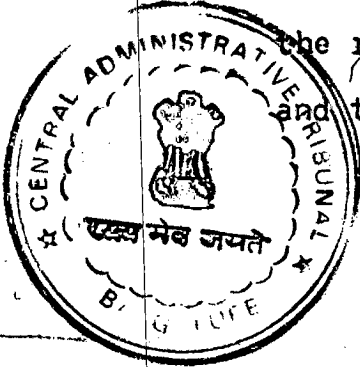
5. It is clear from the foregoing, that the Review Applications are clearly hit by bar of limitation.

6. Even then, with due deference to the determined effort made by Shri Jois, to plead the case of his clients on merits, I have examined the matter even from that angle. The very tenor and the trend of the review-applications reveal, that the review-applicants desire that their case be re-examined by this Tribunal, by way of appeal over its decision in the original applications, by reappraising evidence and by even taking into account fresh grounds now urged before me and a decision arrived at in their favour, in modification of the earlier one. This is patently impermissible, according to Sec. 114



read with Order 47, Rule 1, of the Code of Civil Procedure, particularly when Shri Jois has not been able to point out any patent error of fact/law on the face of the record, so as to warrant a proper judicial review.

7. In the result, I find that the review-applications are wholly meritless and therefore, reject the same in limine.



Sd/-

(L.H.A. REGO) 16.2.1987
MEMBER(A)

mr.

TRUE COPY

B. V. Srinivas Reddy
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE