

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 11 APR 1989

REVIEW APPLICATION NO (S) 17 /89
IN APPLICATION NO. 1829/88(F)
W.P. NO (S)

Applicant (s)

Respondent (s)

The Regional Provident Fund
To Commissioner, Bangalore

V/s Shri R.L. Deshpande

1. The Regional Provident Fund Commissioner
'Bhavishya Nidhi Bhavan'
No. 8, Rajaram Mohan Roy Road
Bangalore - 560 025
2. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~STAY~~/~~INTERIM ORDER~~
^{Review}
passed by this Tribunal in the above said application(S) on 5-4-89.

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE FIFTH DAY OF APRIL 1989

Present : Hon'ble Shri P.SRINIVASAN .. MEMBER(A)

REVIEW APPLICATION NO.17/89
(A.NO. 1829/88)

Reg.Prov. Fund Commissioner,
8 Raja Rammohan Roy Road,
Bangalore 25.

.. Review Applicant.

vs.

(Shri M.Vasudeva Rao .. Advocate)

R.L.Deshpande,
1013, II Block,
40th Cross,
Rajajinagar,
Bangalore 10.

.. Review Respondent.

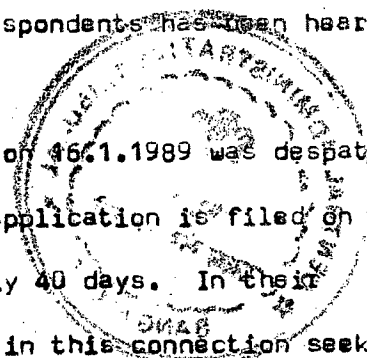
This application has come up today before this
Tribunal for Orders. Hon'ble Member (A) made the following:

ORDER

By this application, the respondents in
application No.1829/88 (hereafter referred to as "the respondents")
seek a review of order dated 16.1.1989 by which that application
was disposed of.

2. Shri M.Vasudeva Rao, learned Additional Central
Government Standing Counsel for the respondents has been heard
in the matter.

3. I find the order passed on 16.1.1989 was despatched to
the respondents on 18.1.1989 . This application is filed on
31.3.1989. It is thus delayed by nearly 40 days. In their
inter locutory application (IA) filed in this connection seeking
condonation of delay, the respondents say that the delay is of
36 days. The reason for the delay is said to be due to the time
taken by Respondent No.3 having to seek instructions from his
superiors before he could file this application. I am unable to

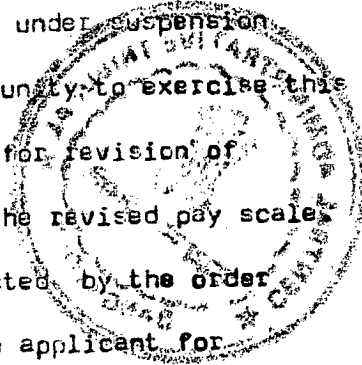


P. Srinivasan

accept this as a justifiable reason as the respondents knew well that an application for review had to be filed within 30 days- which is itself a reasonable period - and that administrative procedures, if any, have to be completed within that period. For this reason itself this application deserves to be rejected.

4. However, I have also considered the matter on merits. In the Order dated 16/1/1989 disposing of the original application, the respondents were directed to revise the subsistence allowance payable to the applicant with effect from 1.1.1986 with reference to the revised ^{pay} to which he would have been eligible from that date on the implementation of the recommendations of the

PM / Fourth Pay Commission. The respondents urge in the present application that that Order is not in conformity with Rule 6 of the Central Civil Services (Revised Pay) Rules 1986. It may be mentioned here that even in their reply to the original application, the respondents draw attention to Rule 6 of the CCS(Revised Pay) Rules which laid down that a Government servant under suspension as on 1.1.1986 will have to ~~ex-ercise~~ his option within 3 months of his return to duty either to come over to the new pay scale or to continue in his old scale of pay. Since the applicant continues to be under suspension even till now, he has not had the opportunity to exercise this option and till he does so he cannot ask for revision of subsistence allowance with reference to the revised pay scale. This contention stood automatically rejected by the order dated 16.1.1989 allowing the claim of the applicant for revision of subsistence allowance following a detailed judgement to the same effect in H A Krishna Murthy VS Regional Provident Commissioner, Application No.1008/88 rendered on 17.8.1988. Therefore, if the respondents are aggrieved with



P. S. ...

the Order dated 16.1.1989 disposing of the original application, the remedy open to them is to appeal against that order. This is not a matter for review as there is no mistake apparent from the record.

In the result, the application is rejected at the stage of admission itself.



Sd/-

MEMBER (A)

5/4/11

bk.

TRUE COPY

R. V. Suresh Babu
DEPUTY REGISTRAR (JDL) *WJ*
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE



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RECEIVED
CENTRAL ADMINISTRATIVE DEPARTMENT
BANGALORE