

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

(20)

R.P. 58/95 in OA 426/91

Shri P.S. Kakirde Applicant
v/s

Union of India & Others Respondents

CORAM : 1) Hon'ble Shri B.S. Hegde, Member (J)
2) Hon'ble Shri M.R. Kolhatkar, Member (A)

Tribunal's orders (by circulation) Date: 14.7.95
(Per: Hon'ble Shri. B.S. Hegde, M(J)).

1. This Review Application has been filed by the Applicant seeking review of the judgement dated 21-1-1995 in O.A. 426/91.
2. We have seen the Review Petition and we are satisfied that the Review Application can be disposed of by circulation under Rule 17 (iii) of the CAT (Procedure) Rules, 1987 and we propose to do so.
3. In this connection, it is relevant to narrate the undisputed factors, that had been taken into consideration while deciding the O.A. The Applicant states that there is a clerical error crept in the Tribunal's orders at para 14 of the judgement. Admittedly, the Applicant as on 1-10-1988 was drawing a (pay) of Rs. 3050/- which was reduced by the Disciplinary Authority's orders dated 22-9-1988 stating that the pay of the Applicant has been reduced by one stage i.e. from Rs. 3050/- to 2975/-, in the time scale of Rs. 2000-3500 for a period of nine months w.e.f. 1-10-1988. Since the said order has been quashed by the Tribunal; thereby the Applicant

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is entitled for his increment on due date i.e. on 1-3-1989 and admittedly the date of retirement is 30-6-1989 subsequent to the accrual of the increment. Pursuant to the judgement, the Applicant made representation to the Collector of Central Excise who in turn forwarded the same to the Ministry stating that his request is under consideration for further action. However, the Respondents by their order dated 25-4-1995 without being considered his request for increment due on 1-3-1989, fixed his pay till his retirement as Rs. 3050/-.

4. It is true, on perusal of the records, we find that we have quashed the reduction of pay for the reasons as stated in the judgement but by unintentional mistake the word 'retirement' is used and the pay to be paid as Rs. 3050/-. If he is otherwise eligible to draw increment as on 1-3-1989, his pay should be fixed accordingly. In the circumstances, the word 'retirement' used in the judgement is deleted and his pay be fixed in accordance with the rules. Rs. 3050/- to be fixed not on the date of retirement, but with effect from 1-10-1988.

5. Though there is some delay in filing the Review Application, considering his representation to the Authority and their reply, the Court vacation etc., the delay hereby is condoned.

6. In the circumstances, the Review Application *except for (a)(ii)* is allowed. In para 14 of the judgement, it is *2/82* stated that "the respondents to consider the applicant's

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salary on the date of retirement as Rs. 3050/- instead of Rs. 2975/- and recalculate the pensionary benefits in the scale of pay in which he was drawing at the time of retirement i.e. Rs. 3050/- p.m. and make necessary payment to the applicant in accordance with the rules."

The salary by the Applicant of Rs. 3050/- should be read as with effect from 1-10-1988 and not as on the date of retirement as mentioned in para 14 of the judgement.

7. ~~Unrevised~~ copy of the orders be furnished to the Applicant as soon as possible. The Review Application is disposed of accordingly.

M.R.Kolhatkar

(M.R. Kolhatkar)
Member (A)

B.S. Hegde

(B.S. Hegde)
Member (J)

ssp.