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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY-1

R.P. No. 30/94
in
O.A. No.1271/93

Union of India & Ors.

..Applicants
(Original respondents)

V/s.

Ø. Rajagopalan & Anr.

..Respondents
(Original Applicants)

Coram: Hon.Shri N.K. Verma, Member (A)

TRIBUNALS ORDER: (By Circulation) DATED: 29.4.94
(Per: N.K. Verma, Member (A))

This is a review petition filed by the original respondents against the judgment/order dated 13.12.1993 in regard to O.A. No.1271/93 which was disposed of at the admission stage that the applicants have yet to exhaust the available remedies to them in the Govt. before coming to the Tribunal. However, in view of the order that an amount of Rs.20,526/- was to be recovered from each of the two applicants due to overpayment of pay fixed by the respondents, the impugned order was stayed till the whole matter is looked into at the appropriate level in the matter.

N.K. Verma

2. The present review applicants have brought to my notice through this Review Petition that an error apparent on the face of record has occurred while passing that order on 13.12.1993. A reading of the order in this matter, which is original of an interim in nature according to the respondents, recovery of conveys a stay of an amount of Rs.20,526/- indefinitely.

3. It is seen that the order of the Tribunal has been wholly misunderstood by the applicants

in this review petition. While disposing of the O.A. which was premature, as the applicants in that OA had not exhausted all the available remedies in the Government in terms of S.20 of the Administrative Tribunals Act 1985. However, while disposing of the matter an observation was made that the impugned order for recovery of the amount and the pay fixation has been stayed till the whole matter is looked into at the appropriate level in the matter. There was no intention of giving any permanent stay to the proposed amount of recovery. The intention was that the competent authority in the Government should look into the matter and then only written orders regarding the recoveries if at all it is warranted. O.A. was not admitted in view of the fact that the applicants had rushed to the Tribunal without exhausting the available remedies in the Government. The question of ad interim stay being operative for 14 days under sec. 24 for giving notice to the authorities concerned did not arise as the order for staying operation of the impugned order was made for preventing any loss being caused to the applicant. This kind of a stay in terms of S. 24 will cease to have the effect on the expiry of 14 days period from the date on which it was made unless the said requirements are complied with before the expiry of the said period and the Tribunal has continued the operation of the interim relief. In view of the facts now brought to my notice the stay is now vacated. Since the O.A. was never admitted the question of its restoration does not arise. The respondents are at liberty to proceed with the refixation and recovery of any dues from

N. K. K.

CAT/BOM/JUEL/OA.NO. 1271/93

Date :

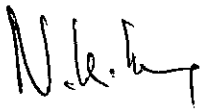
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3. Chief General Manager Maintenance, Western Telecom, Region, 12th floor, Telephone House, Prabhadevi, Bombay :- 400 028.

SECTION OFFICER.

from the original applicants as permissible
under the rules of Government.

Review Petition is disposed of with
the above directions.


(N.K. Verma)
Member(A)