

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Review Petition No.84/97 in
Original Application No.396/94

CORAM : Hon'ble Shri M.R. Kolhatkar, Member (A)

Mrs. S.R. Shinde

... Applicant.

V/s.

Union of India and others.

... Respondents.

Tribunal's order on Review Petition 84/97 by Circulation.


¶ Per Shri M.R. Kolhatkar, Member (A) ¶

Dated: 17-9-97.

In this Review Petition, the Review Petitioner, the original applicant has sought review of my judgement dated 12.9.96. Applicant has also filed an application for condonation of delay because the Review Petition is filed on 11.9.97^{i.e.} after almost one year as against^{the} statutory limit of one month. The reason given for the delay is that the applicant had retired on 1.5.96 and gone to her native place and could not contact the counsel. The reasons are vague and lackingⁱⁿ material particulars as to delay. The Review Petition is therefore liable to be dismissed on the short ground of delay. However, I also consider the contentions on merit. The main contention of the applicant is that the principle of the stepping up of pay as has been prescribed under F.R. 22(C) is that the junior should not draw more pay than the senior for no fault of the senior. In this connection the applicant has relied upon the judgement of the

Supreme Court in the case of Union of India and others V/s. P. Jaggish and others 1997 SCC (L&S) 701 pronounced on 17.12.96. Assuming that the judgement helps the applicants, the same could not have been taken into account by this Tribunal. This cannot be a ground for review.

2. I have given reasons for my judgement and I have held that the third condition of the F.R. 22(C) namely " the anomaly should be directly as a result of the application of F.R. 22(C) " ~~that~~ ^{contention} has not been fulfilled in the present case. No material has been presented in the Review Petition to show that there is an error apparent on the face of the record or there are other sufficient reasons to warrant a review of the judgement. The ingredients for review have not been fulfilled. The Review Petition is therefore, dismissed both on grounds of delay as well as ^{on} ~~merits~~ ^{by} circulation, as provided under Rules.



(M.R. Kolhatkar)
Member (A)

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