

CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6, PRESCOT RD, 4th FLOOR,
BOMBAY - 400 001.

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REVIEW PETITION NO.130/95 in

DATED: 02-01-96

ORIGINAL APPLICATION NO.1359/94.

CORAM : HON'BLE SHRI M.R.KOLHATKAR, MEMBER (A).

S.K.Joshi & 7 Others ... Applicants

V/s.

Union of India & Others ... Respondents

ORDER (BY CIRCULATION)

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

By my common judgement dated 20/10/95, I had disposed of two OAs namely OA No.1102/94 (M.G.Joshi & 8 Ors v/s. Union of India) and OA No.1359/94 (S.K.Joshi & 7 Others V/s. Union of India). The original applicants in OA-1359/94 have filed this review application praying for review of my judgement dated 20/10/95 on the ground that some of the specific statements/averments made by the applicants in their OA as well as rejoinder are not taken into consideration by this Tribunal while pronouncing the judgement. It is further contended that the Tribunal has referred to the instructions issued by the department on 5/7/94 but those instructions were not issued by department with the direction of the Hon'ble Supreme Court but on their own, and moreover those instructions dated 5/7/94 did not have retrospective effect. The increments earned by these officials between the date of notional promotion

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are treated by respondents as the personal pay of such officials. But the decision of the respondents of absorbing this personal pay in future increments of these officials is taken by the respondents on their own.

2. We have considered the submissions of the review petitioners. We had ^{in our judgement} quoted the relevant portion of the Supreme Court judgement which stated in terms that the interest of Officers liable to be reverted should be safeguarded atleast to the extent of protecting the pay actually being drawn by them. The direction to absorb the same, infact, ensures that the Officers ~~do not~~ continue to draw further increments and the divergence does not get widened.

3. On consideration of the submissions made in the Review Petition, I am of the view that no grounds have been made out warranting the review of my judgement dated 20/10/95 and especially relatable to rules under order 47 of CPC. The review petition, therefore, is dismissed. The order of dismissal is passed by circulation as provided in the rules.

M.R. Kolhatkar

(M.R. KOLHATKAR)
MEMBER (A)

abp.