

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY.

2

O.A.1350/94.

V.V.NATHAN

... APPLICANT.

V/s.

M/O.EXTERNAL AFFAIRS & ANR.

... RESPONDENTS.

CORAM : Hon'ble Shri B.S.Hegde, Member(J).

APPEARANCES:

Applicant in person.

ORAL JUDGEMENT:

DATED : 23/12/94.

¶ Per Shri B.S.Hegde, M(J).

His main grievance is that his pay is not properly fixed as recommended by fourth pay commission. He retired from service w.e.f.1/9/86, accordingly he made various representations dt. 15/9/88 and subsequent representation for which the respondents vide their letter dt. 19/3/90 replied by stating that anomaly in fixation of pay in revised scale as recommended by fourth pay commission w.e.f. 1/1/86 has been examined by the Railway Board alongwith representation of the applicant. In this connection, he draws our attention to the aforesaid letter which reads as follows:-

"It is clarified that the adverse effect mentioned in the certificate at the end of the Explanatory Memorandum, to RSRP Rules 1986 relates to drop, if any, in the existing emoluments as a result of fixation of pay in a revised date, given retrospective effect from 1.1.86. The adverse effect by way of loss is therefore, to be determined by comparison as on 1/1/1986 between the emoluments drawn in the revised scale and the corresponding emoluments in the existing scale."

He has not impugned any orders of the respondents except stating that his pay has not been fixed properly pursuant to fourth pay commission. In case, if he has not received any communication from respondents within eligible time, it is open to him to approach

the tribunal in accordance with the CAT procedure.

In the present instance, he has been making representation after representation but with no reply. Therefore it is apparent that the application filed by the applicant is a belated one and is barred by limitation. The Railway Board in-fact sent the reply to applicant as back as 1990, nevertheless, the applicant did not approach the tribunal within a reasonable time. Hence the CA is dismissed on the grounds of laches and also on point of limitation.

B.S. Hegde
(B.S. HEGDE)
M(J)

abp

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY.

Sup.No.33/95

in

O.A.No.1350/94.

Shri V.V.Nathan

... Applicant.

v/s.

1. The Union of Inida,
Through Ministry of Railways,
Railway Board,
New Delhi-110 001.

2. The General Manager,
Central Railway,
Bombay V.T. - 400 001.

... Respondents.

Coram : Hon'ble Shri B.S.Hegde, Member(J).

Tribunal's Order By Circulation

Dated : 8.3.95

X Per Shri B.S.Hegde, Member(J) X

This Review Application was filed by the applicant seeking review of the judgement dated 23/12/94 in O.A.No. 1350/94.

2. I have perused the review application. The crux of the argument is that the applicant's pay has not been properly fixed in pursuance of the fourth pay commission. The facts are not disputed that the applicant has retired from service from 1/9/86. He contends that he made various representations to the authorities to fix his pay according to Fourth Pay Commission recommendation. The same has not been complied with. On perusal of the Review Application, I find no new facts have been brought in which he could not produce at the time of disposal of the OA.


3. The law is well settled that the scope of review application is very limited and the review application is maintainable only if there is an error apparent on the face of the record or some new evidence has come to the notice which was not available/after exercise of due diligence or any other sufficient reason. Review Application cannot be utilised for re-arguing the case

traversing the same ground again.

On perusal of the Review Application, I find that ~~none of the ingredients~~ referred to above, have been made out to warrant a review of the aforesaid judgment.

5. In the circumstances, I am of the opinion, that neither an error on the face of the record has been pointed out nor any new facts have been brought to my notice calling for the review of the judgment. Accordingly, I do not see any merit in the review application, the same is, therefore, dismissed.

abp.


(B.S. HEGDE)
MEMBER (J).