

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

R.P. NO.: 34/2000 IN O.A. No.: 951/98.

Dated this Wednesday, the 12th day of June, 2002.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

Hon'ble Shri S. L. Jain, Member (J).

A. S. Joshi ... Review Petitioner,
(By Advocate Shri S. P. Saxena)

VERSUS

Union of India & Others ... Respondents.
(By Advocate Shri R. R. Shetty
for Shri R. K. Shetty).

TRIBUNAL'S ORDER

The applicant has filed the present R.P. in respect of O.A. No. 951/98 which was decided by an order dated 30.03.2000 alongwith M.P. No. 432/02 for condonation of delay.

2. The Applicant claims that the copy of the order of the Tribunal was received by him through his counsel on 08.04.2000. After perusal of the said order he has filed the Review Petition on 01.06.2000. There was summer vacation and hardly there was delay of four days in filing the Review Petition. After hearing the parties, we allow M.P. No. 432/2002, condone the delay and proceed to hear the review petition on merits.

3. The review is sought by the Applicant on the ground that Central Civil Services (fixation of pay of re-employed pensioners) Orders 1986 were issued by the Respondents and these orders are said to be applicable in respect of re-employment prior to 1st July, 1986 as per observation of the Tribunal in

para 8 of the judgement. The Tribunal has taken the view that the earlier O.M. dated 12.06.1983 will stand superseded by this order dated 1st July, 1986. On the above premise the Tribunal has not considered the applicant's case on the basis of the O.M. dated 12.06.1983 for granting benefit of seven increments to the applicant for fixing his initial pay on his re-employment as Store-Keeper under Respondent No. 4.

The applicant came across a copy of the O.M. No. 3/1/85-Establishment (P-11) dated 31.07.1986 which is issued by the Nodal Ministry of Personnel, P.G. and Pension (Department of Personnel & Training), New Delhi (Exhibit A-3). This O.M. has not been produced by the Respondents before Tribunal in O.A. No. 951/98 thereby they gave incomplete information. On a reading of O.M. dated 31.07.1986 it will be seen that with reference to all the appointments made on or after 1986 the pay of re-employed pensioners has to be fixed as per the Central Civil Services (fixation of pay of re-employed pensioners) Order, 1986. Thus, the applicant is seeking review of an order passed in O.A. on 30.03.2000 on the ground of discovery of new and important matter/evidence.

4. On consideration of the scope of review it is not the failure of the respondents to file documents but the discovery of new and important evidence that entails a party - the applicant, to apply for review that the said material could not be produced after due exercise of diligence. We do not find that the Applicant is able to establish the said fact. Keeping in view

the scope of review, we are of the considered opinion that it is not a fit case for review of the order passed in the O.A.

5. In the result, the Review Petition deserves to be dismissed and is dismissed accordingly. No costs.

Enclosed Below Copy
Date 31/7/2002

CAT/MUM/JUDL/OA.951/1998 / 5623

Dated: 4/8/02

Copy to :-
1. Shri S.P.Saxena, Counsel for Applicant.
2. Shri R.K.Shetty, Counsel for Respondents.

Section Officer.

OC
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Bind 4/8/02
for R.K.Shetty
Anjali Sanjana
for
S.P.Saxena
8/7/02

Despatched on..... 8/7/02

DESPATCHER