

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. of

Review Application No.18 of 1998
(O.A.No.177 of 1997)

20.9.2000
DATE OF DECISION.....

The Union of India and others

PETITIONER(S)

Mr A. Deb Roy, Sr. C.G.S.C.

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

222 ABOD, Mazdoor Union and another

RESPONDENT(S)

Mr M. Chanda and Ms N.D. Goswami

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Review Application No.18 of 1998
(O.A.No.177 of 1997)

Date of decision: This the 20th day of September 2000

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

1. Union of India, represented by the Secretary to the Government of India, Ministry of Defence, New Delhi.
2. The Controller of Defence Accounts, Guwahati.
3. The Controller General of Defence Accounts, West Block-IV, R.K. Puram, New Delhi.
4. The Director General Ordnance Services, Army Headquarter, New Delhi.
5. The Administrative Officer, 222 ABOD, C/o 99 APO.
6. The Area Accounts Officer, Shillong.

..... Review Applicant/Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

- versus -

1. 222 ABOD, Mazdoor Union, Registered under Trade Union, Office at Satgaon, Narengi, Guwahati.
2. Apurba Goswami, General Secretary, 222 ABOD, Mazdoor Union, resident of Noonmati, Guwahati.

..... Opposite party/applicants

By Advocates Mr M. Chanda and Ms N.D. Goswami.

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O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

This is a Review Application under Section 22(3)(f) of the Central Administrative Tribunal Act, 1985, seeking for review of the Judgment and Order passed by this Tribunal on 2.1.1998 in O.A.No.177 of 1997.

2. Heard Mr A. Deb Roy, learned counsel for the review applicant and Mr M. Chanda, learned counsel for the opposite party/applicants.

3. The controversy raised in O.A.No.177/97 pertained to the recovery of the amount of Special (Duty) Allowance (SDA for short) paid to the civilian employees of 222 ABOD. The applicants were earlier paid SDA, but subsequently by the impugned order dated 6.8.1997, Annexure H to the O.A., the respondents sought to recover the amount of SDA paid to the applicants. The said measure was challenged in the aforesaid O.A. and this Tribunal by order dated 2.1.1998 allowed the application and directed the respondents not to recover the amount of SDA paid to the applicants prior to the date of issue of the notice. By this review application the Union of India has come up for review of the order of the Tribunal dated 2.1.1998 passed in O.A.No.177/97.

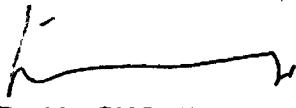
4. Mr Deb Roy has pointed out that the decision relied upon by this Tribunal in passing the impugned order, namely the decision of O.A.No.209 of 1996, did not cover the case of the applicants of O.A.No.177/97. In other words Mr Deb Roy submitted that this Tribunal relied upon a decision which did not, in fact, support the contention of the applicants of O.A.No.177/97. Mr M. Chanda, learned counsel for the opposite party/applicants, on the other hand, has submitted that the controversy raised was already adjudicated by the Hon'ble Supreme Court in Union of India and others -vs- S. Vijay Kumar and others, reported in (1994) Suppl. (3) SCC 649. This decision was subsequently acted upon by the Hon'ble Supreme Court in a number of cases pertaining to recovery of SDA and those decisions were relied upon by this Tribunal. Mr Chanda has produced a number of such decisions including the decision rendered by this Tribunal in O.A.No.45 of 1998 (Shri Ajitangshu Deb and 16 others) and O.A.No.90 of 1998 (Shri S.K. Banerjee and 4 others) disposed of on 28.7.1999.

5. A wrong reference in a decision cannot be a ground for review if the decision is otherwise sustainable. The Tribunal rendered the aforementioned decision relying on a number of decisions of this Tribunal

and.....

and the Supreme Court. Accordingly I do not find any merit in this review application.

6. The Review Application is accordingly dismissed. There shall, however, be no order as to costs.


(D. N. CHOWDHURY)
VICE-CHAIRMAN

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