

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

R.F ORDER SHEET

APPLICATION NO. 4/99

OA. 275/98

OF 199

Applicant(s) Union of India and ors.

Respondent(s) Sri Bal Badadur Sarma and ors.

Advocate for Applicant(s) Mr. A. Deb Roy
S.C.G. S.C.

Advocate for Respondent(s)

| Notes of the Registry | Date | Order of the Tribunal |
|---|----------------|--|
| This Review Application has been filed by Mr. A. Deb Roy S.C.G. S.C. on behalf of Respondent Review. The Judgment and order dated 22.2.98 passed in OA. 275/98. | 14.5.99 | On the prayer of Mr B.C.Pathak on behalf of Mr A.Deb Roy, learned S.C.G.S.C the case is adjourned to 28.5.99 for admission. <u>Marked</u> |
| Kept before Hon'ble Court for further orders. | 28.5.99 | No formal notice need be sent. Let this case be listed for hearing on 23.7.99. |
| Section Officer 3/5/99 | trd 31/5/99 | |


 Vice-Chairman


 Vice-Chairman

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Note:- Annexure I is
not legible.



(2)
R.A. 1/99.

Notes of the Registry Date Order of the Tribunal

23.7.99

On the prayer of the counsel for the parties the case is adjourned to 20.8.99 for hearing.

(4)
Member

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20.8.99

On the prayer of the counsel for the parties the case is adjourned till 8.10.9.

(5)
Vice-Chairman

nkm

8-10-99

Case is otherwise ready for hearing.
List for hearing on 3.12.99.

(6)
Vice-Chairman

lm

3.12.99

On the prayer of Mr. A.Ahmed, learned counsel for the opposite party the case is adjourned till 28.1.2000.

(7)
Vice-Chairman

trd

28.1.2000

On the prayer of Mr A. Deb Roy, learned Sr. C.G.S.C. the case is adjourned till 4.2.2000 for hearing.

(8)
Vice-Chairman

nkm

4.2.00

Adjourn to 24.3.00

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101

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| Notes of the Registry | Date | Order of the Tribunal |
|--|---------|---|
| | 24.3.00 | Learned counsel Mr M. Chanda prays for adjournment on behalf of Mr A. Ahmed, learned counsel for the review applicant who is unable to be present today due to his personal difficulty. Mr A. Deb Roy, learned Sr. C.G.S.C. has no objection. List on 26.4.2000 for hearing. |
| | | <i>62</i> Member |
| nkm | | |
| | 26.4.00 | Mr A. Deb Roy, learned Sr. C.G.S.C. is not present. Adjourned to 5.5.00 for hearing. |
| | | <i>62</i> Member |
| nkm | | |
| | 5.5.00 | Learned Addl. C.G.S.C. Sri A. Deb Roy for the petitioners/respondents. Sri A. Ahmed learned counsel has entered appearance on behalf of the opposite party and prays for a direction to serve a copy of the Review Application on him. Copy is available in B part of the Records. Registry is to serve the copy of the Review Application. |
| <i>Recd. Comt of application</i> <i>OGJ</i> <i>Private</i> <i>22.5.2000</i> | | List it on 7.6.2000 for further order. |
| | trd | <i>27/5/2000</i> |

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|-----------|--|
| | 7.6.00 | <p>RECORDED. MEMBERSHIP OF GOVT. OF INDIA. REGISTRATION NUMBER.</p> <p>THE HON'BLE MEMBER OF THE UNION OF INDIA, ADMINISTRATIVE MEMBER AS PER ADJOURNMENT TO 6.7.00 NOT PRESENT.</p> <p><i>S.B</i></p> <p>RECORDED BY S.B.</p> |
| | 4.7.00 | <p>Present : Hon'ble Sri S.Biswas, Member(A).</p> <p>At the request of the learned counsel for the respondents the case is adjourned to 11.7.2000. Counsel for the applicant is also not present.</p> <p>List on 11.7.2000 for hearing.</p> <p><i>S.B</i> Member(A)</p> |
| <i>Review</i> | 11.7.00 | <p>Present: Hon'ble Mr S. Biswas, Administrative Member</p> <p>Heard Mr A.Deb Roy, learned counsel for the Union of India. Give notice to the opposite party/applicant as to why the review will not be reviewed.</p> <p><i>S.B</i> Member(A)</p> |
| nkm | 25.9.2000 | <p>Present: Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman</p> <p>Mr A. Ahmed, learned counsel for the opposite party is present. Mr A.Deb Roy, learned Sr. C.G.S.C. prays for an adjournment to obtain instructions. Prayer allowed List it for hearing on 1.11.00.</p> <p><i>H</i> Vice-Chairman</p> |
| nkm | 1-11-00 | <p>No representation. List again on 2-11-00. By order,</p> |

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|---------|---|
| | 2.11.00 | <p>List on 3.11.00 for hearing.</p> <p><i>h</i></p> <p>Vice-Chairman</p> |
| | 3.11.00 | <p>Present: Hon'ble Mr.Justice D.N. Choudhury, Vice-Chairman.</p> <p>By this Review Application the applicant Union of India and the Officer Commanding 302 ADC 9 Supply Type A 57 Mountain Division has sought for review of the Judgment and order dated 12.2 .99 in O.A.No.275 of 98 passed by this Tribunal. The Tribunal, directed the respondents to grant Field Service Concession to the applicant in confirmation to the earlier judgment and order in O.A.No.124 of 95 and 125 of 95 disposed of 24.8.95. Mr.A.Deb Roy, S.r.C.G.S.C. appearing for petitioner submitted that special Compensatory(Remote Locality) Allowance and the others allowances are not admissible alongwith Field Service Concession. The applicants are already getting Non-monetary Field Service Concessions in the forms of free rations, free accommodations, free clothing etc. and so they are not eligible to get Non-monetary Allowance. Mr.A.Ahmed, the learned counsel appearing on behalf of the opposite party/original applicant opposing the Review Application, submitted that there was hardly any scope of reviewing the judgment.</p> <p>The power of Reviewing its ^{the} decisions of the Tribunal in aid of Sub Section 3(f) of Section 22 of the Administrative Tribunal Act Corresponds to the power of Review enjoined in S.114 read with Order XLVII Rule 1 of the Civil Procedure Code. A judgment is open to Review, interalia where there is a mistake apparent on the face of the record. An error ^{there} is not manifestly obvious and that is to be discovered by means of reasoning by no means</p> |

contd/-

Notes of the Registry

Date

Order of the Tribunal

3.11.00

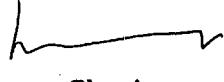
can be labelled as an error apparent on the face of the record. Review power is not designed to rehear and rectify an erroneous decision. Re-appraisal of evidence to find out the error would amount to exercise of Appellate Jurisdiction which is not permissible. There is no permissible ground for Review here. More so in view of the final judgment and order passed by the Supreme Court, Union of India and Ors.,-Vs- P. Prasad, B.S.O and others, reported in 1997 4 SCC 189. In the present case the Tribunal passed the decision in O.A.No. 124 of 95 and 125 of 95 and the same has been upheld by the Supreme Court, therefore, the ^{order} ~~decrees~~ passed by the Supreme Court is binding. In the circumstances there is no scope for review of the order. In the circumstances the Application stands dismissed. There will be no order as to costs.

21.11.2000

Copy of the order
has been sent to the
D/Sec for issuing the
same to the D/Sec-
for issuing it due to
the L/advocate for the
parties.

[Signature]

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Vice-Chairman