

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Chandigarh, this the ^{7th} 17 day of May, 2016

**MA. No. 060/00517/2016 in &
Review Application No.060/00027/2016
In
O.A. NO. 060/00120/2014**

Des Raj & Ors.

..... Applicants in OA.

Versus

Union of India & Ors.

..... Review Applicants/Respondents in OA

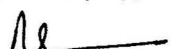
ORDER (in circulation)

HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This RA has been filed under Section 22 (3) (f) of the AT Act, 1985 read with Rule 17 of CAT (Procedure) Rules 1987 seeking review of order dated 18.07.2014 passed in OA No. 060/00120/2014.

2. MA. No. 060/00517/2016 has been filed under CAT Procedure Rules seeking condonation of delay of 634 days in filing the RA. It has been mentioned therein that a Full Bench of the Principal Bench of this Tribunal in the case of Nand Lal Nichani and Ors. Vs. UOI & Ors., (1989)10 ATC 113 in para 41 of the judgement held as under:-

.....“We, therefore, answer the question referred to us in the following manner:

- (1) A review application has to be filed within 30 days of the communication of the order either by hand to the party or to his counsel or by sending a true copy of the order by registered post properly addressed and prepaid.
- (2) The Tribunal has the power to condone the delay in the filing of a review application if sufficient ground is made out to satisfaction of the Bench concerned to condone the delay in filing of the review application.” 

Perusal of the accompanying RA would show that it has merit and is likely to succeed on the basis of the averments made in the RA which maybe treated as part and parcel of this MA also and hence, delay of 634 days on account of administrative formalities to be undertaken before filing the RA be condoned.

3. In the RA, it has been stated that while deciding OA No. 060/00120/2014, the Tribunal placed reliance on judgement dated 27.11.2009 in OA No. 104-PB-2008 titled Ajit Ram Vs. UOI & Ors. The applicant respondents seek review of the order dated 18.07.2014 passed in OA No. 060/00120/2014 on the ground that the period of limitation prescribed as per Administrative Tribunals Act to file the application before the Tribunal is one year from the date of passing of orders after six months period allowed to decide the representation, if any, filed by the aggrieved party. Thus, arrears have to be restricted to 18 months preceding the filing of the OA. In this regard, reliance has been placed upon order dated 14.01.2016 (Annexure RA-4) in OA No. 060/00607/2015 titled Rakesh Kumar Goyal & Ors. Vs. UOI & Ors. wherein it had been held as follows:-

“Hon’ble High Courts in Writ Petitions filed directly, where the Act is not applicable, restricted arrears to three years preceding the filing of Writ Petition on the analogy of limitation period of three years for filing a suit. If the same analogy is followed in the cases before the Tribunal, the arrears have to be restricted to 18 months preceding the filing of the O.A., keeping in view the limitation period prescribed under Section 21 of the Act. As noticed above, the limitation period for filing of an O.A. before the Tribunal is one year after waiting for six months for the decision of the representation. In view thereof, the arrears by the Tribunal are required to be restricted to 18 months preceding the filing of O.A. In the instant case, the actual arrears, therefore, have to be restricted to the period of



18 months preceding the filing of O.A. because the arrears beyond that period have become time-barred.”

Hence, the order dated 18.07.2014 passed by the Tribunal be reviewed and recalled as the Tribunal did not restrict the arrears to 18 months before the date of filing of the OA in this case.

4. We have carefully perused the judgement dated 27.11.2009 in OA No. 104-PB-2008 titled Ajit Ram Vs. UOI which was disposed of with the following directions:-

“9. We find that the case of the applicant is squarely covered under the above instructions/clarifications. It is not in dispute that applicant was directly recruited as Valveman. The court is also informed that the SLPs (supra), stated to be pending in the Apex Court, stand dismissed consequently, this OA is allowed. The applicant is held entitled for grant of the first ACP from 9.8.1999 in the scale of Rs. 4000-6000 instead of Rs. 3050-4950 and even the second ACP w.e.f. 9.8.1999 in the pay scale of Rs. 4000-6000. Respondent No. 2 is directed to pass appropriate orders for payment of difference of amount to be paid to the applicant consequent upon the findings of this Court as above. Needful be done within a period of three months from the date of receipt of copy of this order.”

5. When OA No. 061/00120/2014 was heard on 18.07.2014, the applicant was represented by Sh. Jagdeep Jaswal and respondents by Sh. G.S. Sathi. Sh. Jaswal submitted that the claim involved in OA No. 061/00120/2014 had been adjudicated upon in an identical matter decided on 27.11.2009 in OA No. 104-PB-2008 and the present OA could be disposed of in the same manner. Sh. G.S. Sathi conceded that the claim in this OA was covered by the decision in OA No. 104-PB-208 and the matter was disposed of accordingly vide order dated 18.07.2014 that is the subject of the present RA.

6. Further, it is seen that neither in the short reply filed on behalf of the respondents in OA No. 120/PB/2014, the issue of



limitation was raised on behalf of the respondents nor did Sh. Sathi who represented the respondents on 18.7.2014 make any submission regarding limitation or limiting the period for which the arrears were to be allowed. The applicant/respondents cannot raise this new ground in the RA when they had not taken the objection regarding limitation or limiting the period for release of arrears at the time when the proceedings in the OA No. 060/00120/2014 were underway. Moreover, the RA has been filed belatedly with the delay of 634 days and this is long past the time period of three months allowed by the Tribunal to the respondents for implementation of the order dated 18.7.2014.

7. Hence, we conclude that there is no merit in the RA and the same is rejected. MA. No. 060/00517/2016 is also disposed of accordingly.

(RAJWANT SANDHU)
MEMBER (A)

(DR. BRAHM A.AGRAWAL)
MEMBER(J)

Dated: **May 17, 2016**
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