

**R.A. No. 01/2017 in O.A. No. 67/2016.  
(Hafizulla Khan V/s State and 3 others)**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).  
Dated : 8<sup>th</sup> August 2017.**

**Order**

Heard Shri N.R. Saboo, the learned counsel for the applicant, Shri S.A. Sainis, the learned P.O. for the respondents.

2. The applicant is claiming review of the order dated 14.12.2016 passed by this Tribunal in O.A. No. 67/2016. The said O.A. was disposed of with the following terms:-

O.A. is partly allowed. The applicant be paid interest @ 8% p.a. from 17.8.2013 till the payment of actual amount under each head on each count on the enhanced amount after re-fixation. The order be complied with before 31.3.2017. No order as to costs.+

3. According to the applicant in the O.A., he has claimed interest on delayed payment of Rs. 3,41,152/-. This Tribunal was pleased to grant interest at the rate of 8% p.a. from 17.8.2013, till the payment of actual amount.

4. According to the applicant, the applicant has filed alongwith the counter-affidavit, the orders passed by the Co-ordinate

Bench of this Tribunal wherein identical plea was taken and the Principal Bench of this Tribunal in the judgment passed in O.A. Nos. 873/2009 and 1436/2009 was pleased to grant interest. More 110 employees were held entitled for the revised pay alongwith interest @ 9% p.a. from the date of retirement. However, similarly situated employees i.e. the applicant had been granted less interest and, therefore, the order is required to be reviewed.

5. The respondents have defended the order passed by this Tribunal.

6. I have gone through the judgment delivered by this Tribunal dated 14.12.2016 in O.A. No. 67/2016. In para No.6 of the order / judgment, this Tribunal has discussed the claim of interest of the applicant. This Tribunal observed that the applicant's claim of arrears is based on re-fixation and it is not his case that deliberately he was deprived of the benefit of such re-fixation. Sometimes mistakes are committed. It was further observed that, no doubt the applicant was agitating the matter by making representation. However, it is not clear that he had made out the case and despite this, the respondents have not done re-fixation. The matter was completely decided in the O.A. and thereafter the orders are issued. As such, the applicant cannot claim interest from the date of his

retirement, but he can be entitled from the date of order of re-fixation by the Tribunal.

7. It seems that this Tribunal has referred to the O.As in the said para, though there is no reference of particular O.A. It, therefore, cannot be said that the Tribunal has not considered the case of interest of the applicant in view of the judgment referred in the counter-affidavit. Had the applicant been aggrieved by the order of interest as granted by this Tribunal, it was open for him to challenge the said order by filing appropriate appeal or Writ Petition. It, therefore, cannot be said that there was any error apparent on the face of record or that any error occurred due to non consideration of applicant's claim. I am, therefore, satisfied that there is no ground made out by the applicant to review the order passed by this Tribunal. Hence, the following order:-

### **ORDER**

The Review Application stands dismissed with no order as to costs.

(J.D.Kulkarni)  
Vice-Chairman (J)