

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9535 OF 2003**

Union of India and ors.	...Petitioners
Versus	
Smt. Vijaya B. Dighe	...Respondent

Mr. G. Hariharan i/b Mr. A.A. Ansari for the Applicants.

**CORAM : SMT. V. K. TAHILRAMANI, Acting C.J. &
M.S. SONAK, J.**

DATE : 13th APRIL 2018.

ORAL JUDGMENT:

1] By a separate order in Civil Application NO. 369 of 2010, we have restored the present writ petition and taken up the same for final hearing, at the request of Mr.G.Hariharan, learned counsel for the petitioners.

2] The challenge in this petition is to the orders dated 6th September 1999 made in O.A. No. 534 of 1999 instituted by the respondent, as also the order dated 28th May 2002 dismissing the review petition instituted by the petitioners seeking review of the order dated 6th September 1999 in O.A. No. 534 of 1999.

3] Mr. Hariharan, learned counsel for the petitioners, submits that the Central Administrative Tribunal (CAT), Mumbai erred in dismissing the review petition instituted by the petitioners on the ground of delay. He submits that sufficient cause was shown in respect of the delay of 10 months in instituting the review petition. Mr. Hariharan submits that in the facts of the present case, the wives of the deceased employees of the petitioners were not entitled to claim arrears and the CAT has erred in awarding arrears. Further, Mr. Hariharan submits that the CAT ought to have followed the ruling of the Principal Bench, New Delhi in case of ***Dhyan Singh Rawat vs. Union of India and ors in O.A. No. 580 of 1994*** , in which case, arrears of pay and allowances were denied though, directions were issued to refix the pay notionally for the purpose of recomputing pension and for payment of arrears of pension on the basis of such recomputation. For all these reasons, Mr. Hariharan submits that the impugned orders made by the CAT warrant interference.

4] With assistance of Mr. Hariharan, we have perused the record as well as the impugned orders. For reasons

indicated hereinafter, we find no jurisdictional error or perversity of approach in the impugned orders, so as to warrant any interference with the same.

5] The petitioners' review petition before the CAT has been dismissed not only on the ground of limitation, but also on merits. There was really, no sufficient cause was shown to explain delay of 10 months in instituting the review petition. Besides, the only ground pressed in support of the review petition was that counsel failed to cite an authority of law. The CAT, relying upon ***Dokka Samuel vs. Dr. Jacob Lazarus Chelly - 1997 (4) SCC 478***, in which, it has held that omission on the part of the counsel to cite an authority of law does not amount to error apparent on the face of the record so as to constitute ground for reviewing prior judgment, dismissed the review petition. There is no jurisdictional error so as to warrant interference with the order dismissing the review petition.

6] Insofar as the order dated 6th September 1999 is concerned, again, we find that the CAT has relied upon the orders of the Hon'ble Supreme Court as well as the orders

made by the CAT in similar matters and on such basis, awarded reliefs to the widows of the employees, who had instituted the O.As. Again, we are unable to accept that there is any jurisdictional error or perversity of approach on the part of the CAT so as to warrant interference under Articles 226 and 227 of the Constitution of India.

7] In case of *Dhyan Singh Rawat (supra)*, it appears that there was an issue of limitation. In any case, in a matter of this nature, we are not persuaded to deny the employee's widow's benefit of arrears only to the extent of 50%, as awarded by the CAT. Accordingly, there is no case made out to interfere with the impugned orders.

8] This petition is therefore, dismissed. Rule is discharged. There shall be no order as to costs. The interim order, if any, is vacated. In case, the orders made by the CAT have not been complied with till date by the petitioner, then the same to be complied within three months from today.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)