

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA No.57/2003
M.A.No.436/2003 in
OA No.826/2002

New Delhi this the 26th day of February, 2003

HON'BLE SHRI SHANKER RAJU, MEMBER(J)

Union of India & Others ... Applicant.

-Versus-

Smt. Mana Devi ... Respondents

ORDER (BY CIRCULATION)

This Review Application is directed against an order of this Court dated 27.11.2002. The present application has been filed on 17.2.2003, i.e., more than two months from the date of the decision. No proper explanation of delay has been tendered in the miscellaneous application filed by the applicant. As such the review application is barred by limitation.

2. However, in the interest of justice, I have perused the RA on merits also. In so far as the ground taken applicant had never opted for pension is concerned, I find that in Para 4.6 of OA with regard to the letter dated 28.11.1974 sent by respondents, it is contended that the same was responded to by submitted the option. In reply to aforesaid para by the respondents, it is stated that the option given by applicant was of no consequence as applicant did not deposit Rs.3781/-. In this view of the matter, it is established that applicant had exercised the option for pension as such review sought on the ground of non exercise of option cannot be countenanced.

3. Moreover, by way of this R.A. the review applicant seeks to re-argue the case, which is not permissible. The present R.A. is not maintainable as per

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(2)

the provisions of Section 22 (3) (f) of the Administrative Tribunals Act, 1985 read with Order 47, Rule (1) of CPC and also in view of the ratio laid down by the Hon'ble Apex Court in K. Ajit Babu & Others v. Union of India & Others, JT 1997 (7) SC 24. The R.A. is accordingly dismissed, in circulation.

4. I find the aforesaid review has misuse of process of law for which a cost of Rs.2000/- is imposed upon respondents to be paid to applicant,

S. Raju
(Shanker Raju)
Member(J)

/Rao/