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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

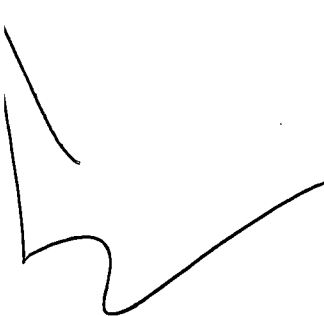
R.A.No.49/2003 IN C.P.No.508/2002 IN O.A.No.1664/2001

Wednesday, this the 10th day of July, 2003

Hon'ble Shri Govindan S. Tampi, Member (A)  
Hon'ble Shri Shanker Raju, Member (J)

1. Shri RCP Singh,  
Senior Auditor (Retired)  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
2. Shri R.P.Shrotriya  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
3. Shri S.K.Gautam  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
4. Smt. Subh Kiran, Senior Auditor  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
5. Smt. Sudha Rani Garg  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
6. Shri Surjeet Singh  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
7. Shri M.P. Parashar,  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
8. Shri M.L.Khatrri,  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
9. Shri Rajey Ram  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10



10. Shri G.S.Shishodia  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
  11. Shri P.K.Sakhooja  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
  12. Shri Har Charan Dass  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
  13. Shri Ganga Ram  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
  14. Shri Mool Chand Sharma  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
  15. Shri Rohtas Singh  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
  16. Shri A.K.Sharma  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
  17. Shri Lakh Pat Rai, Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
  18. Shri Azaib Singh, Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
  19. Shri Devendra Mohan  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
  20. Shri Ved Prakash  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
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21. Shri Brahmanand  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
22. Shri T.P.Singh  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
23. Shri Jai Prakash  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
24. Shri Mool Chand Sharma  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
25. Shri S.K.Banik  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10
26. Shri Sudesh Chander  
Senior Auditor  
O/O Controller of Defence  
Accounts (Boarder Roads)  
Nariana, Delhi Cantt.-10

..Applicants

(By Advocate: Shri E.J. Verghese)

Versus

1. Mr. A.K.Aggarwal  
Secretary,  
Ministry of Personnel, Public Grievances  
& Pension (Department of Personnel,  
& Training), North Block, New Delhi-11
2. Dr. S. Narayanan  
Secretary  
Ministry of Finance  
Deptt. of Expenditure,  
North Block, New Delhi-11
3. Mr. Subir Dutta  
Secretary,  
Ministry of Defence  
South Block, New Delhi-11
4. Mr. G.C.Bhandari  
Controller General of Defence Accounts  
West Block-V, R.K.Puram  
New Delhi-66



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5. Mr. Amit Cowsish  
Controller of Defence Accounts  
Border Roads  
Nariana, Delhi Cantt.-10

..Respondents

(By Advocates: S/Shri M.M.Sudan and R.N.Singh)

O R D E R (ORAL)

Shri Govindan S. Tampi:

This RA seeks the recall and review of the Tribunal's order dated 17.1.2003 dismissing CP-508/2002 in OA-1664/2001.

2. When the RA was taken up for consideration, S/Shri M.M.Sudan, learned Senior Standing Counsel along with R.N.Singh for the respondents, was present. Shri E.J. Verghese, learned counsel for review applicants was not present even at the second call. Accordingly, the RA was disposed of in terms of Rule 15 of C.A.T. (Procedure) Rules, 1987. After the order was pronounced, Shri E.J.Verghese, learned counsel for review applicants appeared and requested that his presence may be noted.

3. CP-508/2002 alleging non-implementation of order passed in OA-1664/2001 was disposed of by us with the following observations:-

"Heard the parties.

2. This is brought to our notice that Hon'ble Delhi High Court in CW 5927/2002 and CM 10099/2002 filed against the order of the Tribunal dated 11/4/2002 in OA No. 1664/2001 has passed the following order:-

"Keeping in view the fact that the decision of the Guwahati Bench of the Central Administrative Tribunal on the basis where of the impugned judgement has been passed is the subject matter of a writ petition

before the Guwahati High Court and therein an order of stay has been passed we direct the operation of the impugned order shall remain stayed to the extent that the petitioner herein would not liable to pay any arrears to the respondents. However, the pay for the month of October, 2002 onwards would be as per the judgement of the learned Tribunal. Such payment shall be subject to the final outcome of this Writ Petition."

3. In the effect, Tribunal's order stands stayed. Therefore, initiation of action of non-implementation of the Tribunal's order would arise only after the Writ Petition is disposed of.

4. In this view of the matter, the C.P. is dismissal and the notices issued to the alleged contemnors are discharged.

5. Petitioners shall have liberty to revive the issue, if it becomes necessary and so advised after the decision has been given by the Hon'ble Delhi High Court."

4. The present RA seeks to re-argue the whole issue and goes on to make an allegation against the Tribunal that they refused to hear the review applicants, in spite of repeated submissions. The order dismissing the CP pronounced in the open Court when the counsel for both sides were present. Learned counsel for both the parties were granted opportunity to put forth their case and no attempt was made by the Tribunal to curtail the arguments. The insinuation made by the learned counsel for review applicants is, therefore, mischievous.

5. Review is permissible to deal with cases where an error apparent on record has been brought and not for re-arguing the matter heard originally because the decision issued earlier is not <sup>to be</sup> ~~liking~~ <sup>of</sup> the review applicants. Remedy for redressal of grievance when a

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person is hurt by the order of the Tribunal lies elsewhere and not in review. The same clearly falls outside the scope of Section 22 (3) (f) of the Administrative Tribunals Act, 1985 read with Order 47 of Civil Procedure Code and such an exercise is deprecated by the decision of the Hon'ble Supreme Court in the case of Avtar Singh Sekhon v. Union of India and Ors. AIR 1980 SC 2041.

6. RA-49/2003 having no merit is thus dismissed.

*S. Raju*  
(Shanker Raju)  
Member (J)

/sunil/

*Govindan S. Tampi*  
(Govindan S. Tampi)  
Member (A)