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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

R.A. NO. 237/2004
IN
O.A. NO. 2012/2001

NEW DELHI THIS 23RD DAY OF FEBRUARY 2005

HON'BLE SHRI SHANKER RAJU, MEMBER (J)
HON'BLE SHRI S.A. SINGH, MEMBER (A)

Shri A.S. Rao Applicant (Respondent in
R.A.)
(By Advocate: Gyan Prakash)

VERSUS

Union of India & Ors. Respondent (Applicant in
R.A.)
(By Advocate: Shri R.N. Singh)

ORDER (ORAL)

BY HON'BLE SHRI SHANKER RAJU, MEMBER (J)

This R.A. is filed by the respondents in OA No. 2012/2001 against the order passed by this Tribunal on 28.1.2003 wherein the following directions were issued:

“In the above view of the matter the application fails substantially but succeeds marginally and is accordingly disposed of. The plea by the applicant to quash and set aside the respondent's letter dated 10.11.2000 enclosing Ministry's letter dated 20.10.2000 as well as Ministry's clarification dated 11.5.2001 are rejected as having no merit. The respondent's action in basing the pay scale of sRs.10,000s – 15,200/- for working out pension of the applicant is upheld with the rider that the pension would have to be fixed at Rs.5,000/- which represents the 50%, the minimum of the scale of Rs.10,000 –15,200/- , w.e.f. 1.1.96. The applicant shall be entitled for the arrears of pension worked out accordingly. The amount, which becomes so due shall be sanctioned and disbursed to the applicant within 3 months on receipt of this order. No costs.”

2. Learned counsel for the review applicant Shri R N Singh contended that a Writ Petition No.7686/2003 filed by the respondents was withdrawn on 21.11.2003 for seeking leave to file a Review application.
3. In the above view of the matter it is stated that the Tribunal has not acceded to their averments and there is an error apparent on the face of the record as

OMs of 1998 and clarification of 2001 having been upheld the revision of pension which comes to Rs.3,940/- i.e. 50% of the revised minimum of the scale on the post held by the applicant. Before retirement the applicant's pension was fixed more i.e. Rs.4,601/- on the basis of his rendering the service of 26 years, 2 months and 29 days . As the applicant has not completed 33 years service the maximum of 50% pension has not been fixed.

4. On the other hand learned counsel for the respondent in RA (applicant in OA) vehemently opposed the above pleas of the Review Applicant and stated that by way of this RA review applicant seek to reagitate the matter as if in appeal, which is not permissible under section 22(3) (f) of the AT Act 1985.


5. Apex Court in Union of India Vs Tarit Ranjanm Das 2004SCC (L&S) 160 in so far as the review is concerned observed as under:

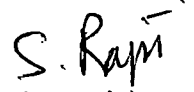
“13. The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two orders shows that the order in review application was in complete variation and disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected. The scope for review is rather limited review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing an original application. This aspect has also not been noticed by the High Court. “

6. Moreover it is trite law that a review is only permissible when there is an error apparent on the face of the record. Any erroneous view taken on law shall not be amenable by way of review and will not come within its scope and ambit. Error apparent on the face of the record is an error which strikes one on mere looking at record would not require any long drawn process of reasoning on points where there may conceivably be two opinions. We fortified our conclusion on a decision of the apex court in Meera Bhanja V. Nirmala Kumari Choudhury AIR 1995 SC 455.

7. The grounds taken to high light error is an effort on the part of Review applicant's counsel to take us to different documents etc. would involve a long drawn process and the error is not apparent on the face of the record.

8. Moreover the High Court Delhi in the Writ Petition (supra) has given liberty to the petitioners i.e. respondents in OA to file a Review but this liberty can not be construed a dehorse the rules. Review is admissible in its legal sense as per provisions in section 23(3)(f) of AT Act 1985. As we are convinced that there is no error apparent on the face of the record ~~ER~~ RA is bereft of merit and is accordingly dismissed. No costs.


(S.A. Singh)
Member (A)


(Shanker Raju)
Member (J)
23/2/05

Patwal/