

(Q2)
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. NO.168 OF 2002
IN
O.A. NO.2068 OF 2001

New Delhi, this the 28th day of October, 2003

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

Jagjit Singh S/o Vir Singh, aged 81 years, by
caste Sikh, resident of ED-296, Old Railway
Road, Jallandhar City, last employed as
Sr.Charrgeman, Northern Railway, Carriage &
Wagon Railway Workshop, Alambagh, Lucknow.

.....Applicant

(By Advocate : Shri P.K. Day)

Versus

Union of India through-

1. General Manager, Northern Railway,
Baroda House, New Delhi-110001.
2. Dy.Chief Mechanical Engineer (W), Northern
Railway, Railway Workshop, Alam Bagh,
Lucknow.

.....Respondents

(By Advocate : Shri Rajender Khatter)

ORDER (ORAL)

This Review Application has been filed by the review applicant seeking review of the order dated 3.5.2002 in OA No.2068/2001. By detailed order, dealing with various arguments advanced by both the parties, this Tribunal had dismissed the Original Application. Now by the present Review Application, certain averments are being made by the applicant to re-argue his case as if in appeal against the order dated 3.5.2002. It was stated by the learned counsel of the applicant that certain assumption on which the decision has been taken is not based on correct appreciation of the facts. According to learned counsel, the circular dated 3.1.1977 which extended

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the date of opting pension Scheme was not got noted by the applicant. Therefore, he argued that the respondents be directed to produce the records by which the above circular has been informed to the applicant. The assertion of the learned counsel is that this circular/letter which extended the option to be sent upto 31.12.1978 has not been conveyed till date even after retirement of the applicant on 12.4.1977. He, therefore, urged that the order be reviewed and the respondents be directed to extend the benefit of pension Scheme to the applicant.

2. The learned counsel of the respondents opposed the Review Application on several grounds. The learned counsel stated that the applicant has now filed certain papers with the Review Application marked as Annexures R-2, R-3 and R-4. These are supposed to be applications of the applicant seeking copy of the pension option form. The learned counsel has challenged these annexures at this late stage by stating that there is nothing on record to suggest that they were actually delivered to the addressee. Even otherwise the letter dated 7.2.1978 (Annexure R-3) confirms that the applicant had not opted for Pension Scheme upto that date as he was seeking for the pension option form. Referring to the letter dated 25.5.1983 (Annexure R-4) now filed with the Review Application, the learned counsel pointed out that the applicant had admitted in clear terms that he had not given any option. If no option was given then





the benefit of Pension Scheme cannot be allowed. Referring to the Annexure R-II to the reply filed by the respondents in the OA, the learned counsel pointed out that the circular dated 3.1.1977 was widely circulated as can be seen from endorsement. It was even given to the office in which the applicant was working. Therefore, the plea now raised is only an afterthought. In any case, this matter was fully discussed in the order dated 3.5.2002 and in the Review Application, the applicant cannot try to re-argue his case now. Referring to the Hon'ble Supreme Court's decision in the case of Krishena Kumar vs. Union of India, (1990) 4 SCC 207, referred to and relied upon in OA No.1677/2002 dated 29.4.2003, he stated that if now a claim is made for exercising the option that was highly barred by limitation. Learned counsel also placed reliance on the decision of this Tribunal dated 5.2.2003 in OA No.358/2002 wherein similar claim for shifting from SRPFS to CPF was rejected. It is, therefore, urged that the Review Application deserves to be dismissed.

3. Having heard the learned counsel of both the parties and after perusal of the materials available on record, it is noticed that the present Review Application is merely an attempt to re-argue the Original Application. The Hon'ble Supreme Court in the case of Chandra Kanta & Anr. Vs. Sheik Habib (1975 SC 1500 have held that no review lies to re-argue the case. The scope of review under Section



(4)



22(3)(f) of the Administrative Tribunals Act, 1985 is limited to correction of plain and apparent mistakes and errors and it is not meant for arguing the case again as if in the Original Application. This principle has been affirmed by the Hon'ble Supreme Court in the recent decision in the case of Subhash Vs. State of Maharashtra and Anr., AIR 2002 SC 2537.

4. Considering the facts of this case and in view of the aforesaid decisions of the Hon'ble Supreme Court, this Review Application deserves to be dismissed and is accordingly dismissed. No costs. 42

R.K. Upadhyaya

(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER

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