

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.421/2000 in OA No.1885/99

New Delhi, this 1st day of February, 2001

Hon'ble Shri M.P. Singh, Member(A)

Bharat Bhushan Puri  
House No.78, ESIC Colony  
Sector 56, NOIDA-201301

.. Applicant

(By Shri K.B.S.Rajan, Advocate)

versus

Accountant General (A&E)  
UT of Chandigarh & 5 others

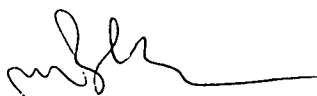
.. Respondents

ORDER(in circulation)

Review application is filed on behalf of the applicant for review of the order dated 19.10.2000 by which OA No.1885/1999 was dismissed being devoid of merit and for the detailed discussions made therein. Review is sought on the ground that there has been an error apparent on the face of record.

2. I have carefully gone through the averments made in the RA. I find that the review applicant is trying to build up case on the same set of facts and grounds which have already been discussed in detail and taken care of by the Tribunal in its judgement.


3. The admitted facts are that the review applicant was absorbed in ESIC after resignation from Government service, his request for withdrawal of resignation was rejected in consultation with the CAG of India and on his option for lump sum amount in lieu of prorata pension from the date of absorption till the commutation value became absolute he was paid the same to save him from monetary loss as his medical report on that day was not possible under the prevailing circumstances which did not



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make eligible for commuted value of pension. Again as already stated in our judgement in the OA, the case of M.L. Mittal is undoubtedly distinguishable from that of the review applicant. The Tribunal is bound by the ratio arrived at by the Hon'ble Supreme Court in the case of Des Raj Bhatnagar Vs. UOI (1991) 2 SCC 266 as explained in para 7 of the judgement in the OA. Thus I do not find any factual error as alleged by the applicant that would warrant a review of the judgement. Therefore, the RA is liable to be dismissed on this ground alone.

4. That apart, it would be relevant to mention here that the scope of review is very limited. The Tribunal has no inherent power to review its judgement. It can do so only when the RA comes within the four corners of Section 22(3)(f) of Administrative Tribunals Act, 1985 read with Order 47, Rule 1 of CPC which inter alia provides for review. (i) if there is discovery of new and important matter or evidence which, after exercise of due diligence was not within the knowledge of the applicant, or could not be produced by him at the time when the order was made, or (ii) on account of some mistake or error apparent on the face of the record or (iii) for any other sufficient reason. I find no such ingredient is available in the present RA. In view of this position, the RA is rejected. No costs.

  
(M.P. Singh)  
Member(A)

/gtv/