

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH  
NEW DELHI

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R.A. No.130/95  
in OA No.743/1994

Date of decision 26. Feb. 1995

1. Shri S.Velumani,  
Deputy Secretary,  
Ministry of Petroleum & Natural Gas,  
Shastri Bhawan, New Delhi.
2. Shri Thomas Mathew,  
Deputy Secretary,  
National Commission for Backward Classes,  
R.K.Puram, New Delhi.
3. Shri S.D. Rajore,  
Deputy Secretary,  
Ministry of Agriculture & Cooperation,  
Krishi Bhawan, New Delhi.
4. Shri Swaran Das,  
Deputy Secretary,  
Dept of Pension & Pensions Welfare,  
Lok Nayak Bhawan, New Delhi
5. Shri D.V.Gupta,  
Deputy Secretary,  
Department of Revenue,  
Ministry of Finance,  
North Block, New Delhi

.... Applicants

Vs.

1. Union of India through  
Secretary,  
Ministry of Surface Transport,  
parliament Street, New Delhi.
2. Joint Secretary (Establishment)  
Ministry of Surface Transport,  
Parliament Street, New Delhi
3. Secretary of Personnel & Training,  
Ministry of Personnel, Public Grievances  
& Pension,  
North Block, New Delhi
4. Secretary,  
Ministry of Petroleum & Natural Gas,  
Shastri Bhawan,  
New Delhi
5. Secretary,  
National Commission for Backward Classes,  
R.K.Puram, New Delhi
6. Secretary,  
Ministry of Agriculture,  
Department of Agriculture & Cooperation,  
Krishi Bhawan,  
New Delhi.

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7. Secretary,  
Department of Revenue,  
Ministry of Finance,  
North Block,  
New Delhi.

... Respondents

ORDER (BY CIRCULATION)

This Review Application has been filed by the original applicants seeking a review of the order dated 20.4.1995 in O.A. No. 743/94.

2. I have carefully perused the Review Application in which it is claimed that there are certain omissions/errors in the judgment dated 20.4.1995. In paragraph 3 of the Review Application, the applicants refer to the relevant rule and case-law which have already been referred to in the arguments at the time of hearing the O.A., to show that the judgment order cannot be supported in view of the arguments advanced in the review application. It is settled law, that the review application cannot be the remedy for seeking relief only because the applicant feels that the decision is wrong. The scope of a review application is limited and the arguments advanced in the review application do not bring it within the scope and ambit of O. 47, Rule 1 CPC.

3. The review application is maintainable only if there is an error on the face of the record or some new evidence has come to the notice which

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was not available even after exercise of due diligence or any other sufficient reasons. The review application cannot be utilised for re-arguing the case traversing the same ground (Chandra Kanta & Anr. v. Sheik Habib - (AIR 1975 SC 1500)). No new ground has been raised in the review application which could not have been raised at the time when the applicant was heard in support of the original application. The applicants' grievance that the order is wrong cannot be a ground for review.

4. In the later part of para 3.4 it has been mentioned that two of the applicants, namely, S/Shri S.D. Rajora and Swaran Das have since retired from service on 31.10.94 and 31.3.1995 respectively and, hence, no recovery can be effected from their pensions as per Department of Personnel & Training's guidelines as held in T.R. Midha's case.

5. In the latter portion of para 9 of the judgment dated 20.4.1995 it has been held as follows :-

"In the present case since the applicants are serving officers in the office of the respondents, there will be no bar to the overpayment of pay being recovered from their pay in accordance with the relevant rules."

6. In view of the facts mentioned in the review application, this portion of the order is substituted as follows :-

"In the present case, since some of the applicants are still serving officers in the office of the respondents, there will be no bar to the overpayment of pay being

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recovered from their pay in accordance with the relevant rules. As regards those who have retired, if any, the respondents may take such action as <sup>may</sup> deem fit in accordance with law."

7. Registry to carry out the above amendments in para 9 of the order dated 20.4.1995 as indicated above.

8. Subject to the above, the review application is rejected.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (Judicial)