

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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R.A.No.17/95,

M.A.No.107/95 in

O.A.No.841/94

New Delhi, this the 16th day of January, 1995

Hon'ble Shri J.P. Sharma, Member(J)

Hon'ble Shri B.K. Singh, Member(A)

Shri Mahesh Ahluwalia,
s/o Shri Sita Ram,
r/o C-4-B/219, Janakpuri,
New Delhi.

... Applicant

Vs.

1. Union of India
through the Cabinet Secretary,
Cabinet Secretariat,
Rashtrapati Bhavan,
New Delhi.

2. The Secretary,
Research and Analysis Wing,
Cabinet Secretariat,
Room No.8-B, South Block,
New Delhi.

... Respondents

ORDER

Hon'ble Shri J.P. Sharma, Member(J)

The Review applicant who is applicant in O.A.841/94 has sought the review of the judgement passed in the bunch of Q.As., Q.A.No.550/94, Q.A.No.757/94 and O.A.No.1531/94 by the order dated 7th October, 1994. The reliefs prayed for by the applicant is to direct the respondents to treat the period of suspension from 29.11.80 to 1.3.87 as period spent on duty for all practical purposes including for the purpose of pay and allowances with consequential benefits were disallowed.

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2. The Review applicant has rightly referred to the provisions of order (47) Rule(1) of the CCP, which gives the grounds that a review of a judgement can be allowed.

- i) Error apparent on the face of the records;
- ii) Discovery of new information/document, which was not readily available with the applicant at the time arguments despite due diligence on his part;
- iii) Any good and sufficient reasons analogous the above two conditions.


3. Though the Review petitioner has mentioned grounds from A to M but in fact ^{are} ~~these~~ solely based only on one ground that certain authorities cited by the applicant at the time of hearing has not been given due weight including the full Bench decision.

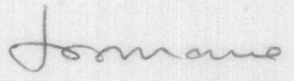
4. In the case of Ballabh Dass Mathura Dass Lakhani V. Municipal Committee reported in AIR, 1970 SC 1002, the Hon'ble Supreme Court regarding binding nature of its judgement under Article 141 observed that a decision of Supreme Court is binding and cannot be ignored by observing that the judgement is per incuriam. Further it has also been held in the case of T. Govind Raja Mudliar V. State of Tamil Nadu (1993) 1 SCC 336 by the Hon'ble Supreme Court that if a point was expressly decided then the mere circumstances that particular argument which could have been raised was not raised before the Hon'ble Supreme Court does not detract from the binding nature of that precedent. In the judgement under review we have observed the law laid down by Hon'ble Supreme Court in the case of Reserve Bank of India V. Bhopal Singh Panchal reported in (1994) 1 SCC 541, in the case of Depot Manager, Andhra Pradesh State Road Transport Corporation,

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Hanumakonda Vs. V. Venkateswarulu and another reported in JT 1994(3) SC 199. Both the above cases have dealt with application of the provisions of FR 54-B. The emoluments for the period under suspension on reinstatement have to be paid whether the suspension of the employee in the circumstances of the case was unjustified.

5. In view of the above facts and circumstances, the case of the applicant has been decided according to law and there is no error apparent on the face of the judgement. The Review application is therefore devoid of merit and is dismissed by circulation.


(B.K. SINGH)
MEMBER(A)


(J.P. SHARMA)
MEMBER(J)

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