

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(X)

RA No. 257 of 1995

in

DA No. 1387 of 1994.

New Delhi, this the Tenth day of October, 1995.

Shri P.P. Aggarwal
Resident of Flat No.9,
Kidwai Bhawan, Janpath,
working as Deputy General Manager,
Tex Building, Western Court, N.Delhi. Applicant.

versus

The Secretary,
Ministry of Communication,
Sanchay Bhawan,
20 Ashoka Road, New Delhi. Respondent.

ORDER BY HON'BLE MR B.K. SINGH, MEMBER (A)

This Review application has been filed against the judgment and order dated 22nd August, 1995. The applicant was allotted some arbitration work for which some special pay was admissible from the M.T.N.L. When a person goes on deputation there are three parties involved and these are the deputationist, the parent department and the borrowing department and the terms and conditions are already decided by the ~~borrowing~~ ^{parent} department. The work assigned to a person is not a part of the terms and conditions of deputation. It is for the borrowing department to assign any work, to pay any special pay or not to pay when he is shifted from that work and since the payment was to be made by the M.T.N.L. and the change regarding allocation of work was also made by them, no relief can be granted against the M.T.N.L. since there is no notification under Section 14(2) of the

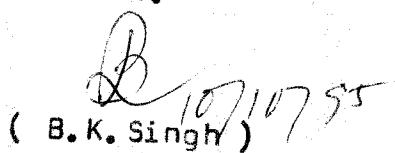
B CAT Act, 1985 in respect of MTNL being

5

under the jurisdiction of the Tribunal. No relief can be granted ~~against~~ by the Government since the Government is not competent to assign the work and this is not a part of terms and conditions of deputation and accordingly the application was dismissed in limini at the admission stage itself since the relief prayed for was against the M.T.N.L. and cannot be granted by the Government. Review of judgment can be allowed on the three grounds, namely;

- a) discovery of new and important material or evidence, which, after the 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 passed;
- b) There was some mistake or error apparent on the face of the record which could materially change the complexion of the judgment; and
- c) for any other sufficient reason.

After going through the review application, I do not find discovery of any new and important material or evidence, which could not be produced by the applicant at the time when the order was made. There is no other sufficient reason warranting the review of the judgment and accordingly, the review application is summarily dismissed under Order 47 Rule 4(i) of the Code of Civil Procedure.


(B.K. Singh) 10/10/55

Member (A)

/sds/