

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

R.A. NO. 296/95  
M.A. No. 2737/95 in  
D.A. No. 1759/94

Date of Decision: 16th Nov. 1995

Hon'ble Shri N.V. Krishnan, Acting Chairman

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Gurdeep Singh,  
s/o Shri Avtar Singh,  
A/C/Refrigeration Mechanic,  
MES NO.507811  
R/o M-273, Sarojini Nagar,  
New Delhi.

... Applicant

By Advocate Shri B.R. Saini with  
Shri N. Kinra)

Vs.

1. Union of India,  
through the Secretary,  
Ministry of Defence (South Block)  
New Delhi.

2. Engineer-in-Chief,  
Ministry of Defence,  
Govt. of India, Kashmir House,  
New Delhi.

3. Commandant,  
Works Engineer (CWE Utilities)  
Delhi Cantt-110010

4. Garrison Engineer,  
Water Supply & Air-Conditioning,  
Delhi Cantt-110010.

... Respondents

By Advocate Shri M.K. Gupta

ORDER (BY CIRCULATION)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

This Review application No. 296/95 has been  
filed seeking review of the judgement dated 11.9.95

*FS* in D.A. No. 1759/94. M.A. No. 2737/95 has been filed stating

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that since the matter involves substantial questions of law, the matter may be ordered to be heard in open court after notice to the respondents and herein both the parties.

2. We have carefully perused the review application and we are satisfied that the review application can be disposed of by circulation under Rule 17(iii) of the Central Administrative Tribunal(Procedural) Rules,1987. Hence M.A. No.2737/95 is rejected.

3. The applicant has filed this review application seeking review of the judgement only in respect of certain directions that have been given in the last para of the judgement, namely, para 9 which reads as follows:-

"9 ... The respondents shall treat applicant's absence from duty during the intervening period from the date he was struck off the strength i.e. 30.9.1992 till he rejoins service as leave of the kind due and admissible with or without pay, as the case may be, in accordance with the Rules...."

4. The applicant submits that the principle laid down by the Supreme Court in Union of India Vs. K.V. Jankiraman of "No work no pay" <sup>1/2</sup> AIR 1991 SC 2010 is not applicable to such cases where the employee, although he is willing to work is kept away.

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from the work by the authority for no fault of his. He states that the Tribunal in its judgement has fallen into grave error of law by passing the order in para 9 as quoted above. He also submits that the Tribunal has exceeded its jurisdiction in giving such a direction. He, therefore, prays that the judgement may be reviewed and modified to the extent that the applicant is entitled to all the consequential benefits of pay, allowances, increments, revised pay-scales and other ~~consequential~~ benefits as if the applicant's name was never struck off from strength from 30.9.1992.

5. It is clear from a perusal of the review application that what the applicant is submitting is that the direction given in para 9 of the judgement referred to above is erroneous. That direction has been given taking into account the facts and circumstances of the case. The further direction given to the respondents in respect of the period when the applicant was absent from duty has to be regulated in accordance with rules. In the light of these directions, we do not see any error apparent on the face of the record which needs any modification as claimed by the applicant. If the applicant apprehends that the judgement is erroneous

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it may be a ground for seeking a remedy of way of an appeal but that is not a ground to allow the review application which can only be allowed if it is brought within the scope and ambit of the provisions of Order 47

Rule 1 CPC. In other words a review will lie if there is an error apparent on the face of the record or there is discovery of a new and important piece of evidence which in spite of due diligence was not available with the review applicant at the time of hearing or when the order was pronounced or any other analogous ground. Since no such ground has been made out in the review application, the review application is rejected.

Lakshmi  
Swaminathan

(SMT. LAKSHMI SWAMINATHAN)  
MEMBER(J)

N.V. Krishnan  
ACTING CHAIRMAN

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