

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

RA No.336/94 in
OA 1161/94

New Delhi, this the 20th day of October, 1994

Hon'ble Mr. J.P. Sharma, Member(J)
Hon'ble Mr. S.R. Adige, Member(A)

Sh. P.P. Dhawan, I.S.S.(REtd.)
S/o Late Sh. B.R. Dhawan
R/O C-486, Yojana Vihar,
Delhi -92

... Applicant

Vs.

Union of India through
Secretary
Department of Statistics
New Delhi - 110 001

... Respondent

ORDER

Shri J.P. Sharma, Member(J)

The review applicant has sought review of the judgement dated 5th July, 1994 by which the reliefs claimed by the applicant in OA 1161/94 for getting benefit which has been accorded to one Sh. N.K. Bhatnagar and others.

2. The application has been dismissed on the point of delay, laches and limitation. The applicant in the review application has only stated that he made a representation on 11th April, 94 and after waiting for six months by the present OA. The applicant wants to claim the benefit of revised seniority list prepared as per direction in TA No. 45/85 decided on 27th May, 1987. In the judgement the reliefs have

been placed on the decision of S.S. Rathore Vs.

State of Madhya Pradesh, AIR 1990 SC 10 where the applicant aggrieved should have come before the Tribunal within one and a half years, after making a statutory representation. The present application has been filed much after the retirement of the applicant on 30th May, 94. The applicant superannuated at the age of 58 and he has filed this application when he has already crossed 67 years of age. The contention of the applicant is that the pensionary matters are never barred by time has no relevance in the present case, as the main grievance of the applicant is for re-fixation of his emoluments on the basis of revised seniority list. It is not a case of discrimination. A judgement in any case does not give action.

~~fresh cause of action~~ and even the claim of pensionary benefits should be preferred within limitation. In the case of Rampal and Ors. Vs. Union of India reported in 1992 (2180 SC page 154), the Principal Bench has considered the extension of benefit to other similarly situated employees. It is held that a judgement in another case does not revive the limitation. In that case Rampal and Ors. they claimed the benefit of the case be decided by Delhi High Court of similarly situated employee Kartar Singh reported in 1983 (1) LRR page 446. Here the question is not

fixation of pension but the fixation of pay at the time when the applicant has already retired from prospective date on account of revision of seniority list. (9)

3. The matter has been fully considered in the body of the judgement under review. There is no error apparent on the face of the judgement. The review application is therefore devoid of merit and dismissed by circulation.

Anfolge
(S.R. Adige)
Member(A)

Sharma
(J.P. Sharma)
Member(J)

/ravi/