

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

RA No.56 /95 in
OA No.779/94

(13)

New Delhi, dated the 20th March, 1995

CORAM

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

Shri Bansi Dher
s/o Late Sh. Wasanda Ram,
Ex-SPC/MB 32/28, East Patel Nagar,
New Delhi.

.... Review Application

(By Advocate Shri B.K.Chaudhry)

v/s

1. Union of India, through G.M.(P),
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Moradabad (UP)

... Respondents

O R D E R (By Circulation)

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

This Review Application No. 56/95 has been filed by the applicant seeking review of the judgment dated 6-1-1995 in OA No. 779/94.

2. I have carefully perused the Review Application. The applicant claims that the order should be reviewed because it suffers from mistake/error apparent on the face of the record. The applicant contends that the claim of the petitioner could not be held to be barred by the

13

principle of resjudicata.

(V.A)

3. The applicant contends that the cause of action for claiming interest on delayed payment of pensionary dues arose only when the respondents failed to make the payments after the order was passed on 13.2.1989 in TA No. 469/86 and not at the time of filing of the suit in 1982. His next contention is that in the contempt application CCA 46/8/T/89, there was no question of claiming any interest. Hence, following certain other decisions given in paragraph 2(c) of the R.A., applicant submits that there is mistake error apparent on the face of the record justifying review.

4. It is settled law that the Review Application cannot be ordered for seeking relief only because the applicant states that the decision is erroneous or wrong on merits or be used as a means of appeal (Chandra Kant v. Sheik Habib AIR 1975 SC 1500), (A.T. Sharma v. A.P. Sharma AIR 1979 SC 1047). No new ground has been raised in the Review Application which had not been raised at the time when the applicant was heard, before the order was passed on 6.1.1995. In the circumstances, I find that there is neither any error on the face of the

19/

record nor any other ground as provided in
Order 47 Rule 1 CPC which ~~satisfies~~ Review
of the order. 15

5. Review Application is accordingly,
dismissed.

Lakshmi Swaminathan
(Lakshmi Swaminathan)

Member (J)

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