

CENTRAL ADMINISTRATIVE TRIBUNA, PRINCIPAL BENCH

RA No. 131/97 in OA No. 2053/96

New Delhi, this 13th day of July, 1998.

Hon'ble Shri S.P. Biswas, Member(A)

(V)

Shri S.S. Lamba
s/o Shri Harnam Lamba
KGII/18, Vikas Puri, New Delhi .. Applicant

(By Shri G.D. Bhandari, Advocate)

versus

Union of India, through
Secretary
Dept. of Bio-Technology
M/Science & Technology
Block No.2, CGO Complex, 7th Floor
Lodi Road, New Delhi .. Respondents

ORDER(in circulation)

This RA has been filed by the applicant against the order and judgement passed in OA 2053/96 on 21.5.98 by which the said OA was dismissed being devoid of merits.

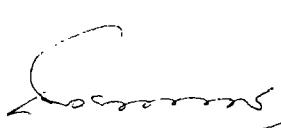
2. At the outset, it is made clear that the scope of review is very limited. The Tribunal is not vested with any inherent power of review. It exercises that power under Order 47, Rule 1 of CPC which permits review if there is (1) discovery of a new and important piece of evidence, which inspite of due diligence was not available with the review applicant at the time of hearing or when the order was made; (2) an error apparent on the face of the record or (3) any other analogous ground.

3. Applicant seeks review of our judgement on the grounds that the Tribunal had not taken cognisance of the submissions made by him in his OA in support

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of the relief sought for and therefore the judgement suffers from error on the face of the records. I do not find any such lacunae in the judgement inasmuch as that I have already made very clear therein that the applicant has not come out with any document to substantiate his claim of having exercised his option for pensionary benefits before joining the Corporation, that a retiree cannot stake claim on the basis of the revised rules as the applicant was not found eligible, and he could not be made eligible retrospectively and further that the applicant has not come out with any specific provisions/rule under which an official having resigned from services and obtained all the post-retirement benefits can refund the amount and then switch back to pension scheme. I also find that the grounds advanced by the applicant in the RA were already raised by him which were taken care of for proper adjudication of the case. Applicant cannot raise the same grounds for the sake of converting them into a review application.

4. In view of the above position, I have no reason to review the order dated 21.5.98. The RA is, therefore, summarily rejected under Order 47, Rule 4(1) of CPC.


(S.P. Biswas)
Member (A)

/gtv/