

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

THIS THE 11th DAY OF APRIL, 1996

Review Petition No.49 of 1996

In

Original Application No. 214 of 1996

HON.MR.JUSTICE B.C.SAKSENA,V.C(J) Alld.Bench

HPN.MR. R.K. AHOOJA, MEMBER(A)

P.L. Dublish, Sr.Auditor
(A/C No.8297329) of Defence
Accounts Department
(Through V.P.S. Tyagi, Advocate

Applicant

Versus

1. Union of India
Through the Secretary
Ministry of Defence,
New Delhi.
2. CGDA West Block-V
R.K. Puram, New Delhi
3. CDA(AF) West Block-V
R.K. Puram, New Delhi

Respondents

O R D E R

JUSTICE B.C.SAKSENA, V.C.

This review Application has come up for orders under circulation. It is directed against our decision in OA 214/96 at the admission stage. In our detailed order we had considered all the pleas taken and held the OA to be barred by time and there being no merit in the applicant's claim for stepping up of his pay.

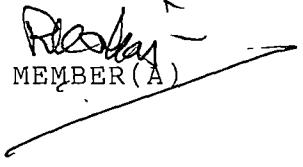
2. One of the grounds raised is that in terms of the provisions of Section 20 of the Administrative Tribunals Act a Tribunal shall not ordinarily admit an application unless

it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances. It is pleaded that the applicant ~~could~~ ^{not} have approached the Tribunal before exhausting the available remedies. From the facts indicated it will be evident that the claim for stepping up was rejected by Joint CDA(Funds) Meerut through a letter dated 19.1.89, copy of the same has been filed as Annexure 2 to the review petition.

3. The applicant in the review petition alleges that all along he has been pursuing the matter and the grievance of the applicant was not satisfactorily redressed by any of the Head of offices and ultimately he made a representation to respondent no.2. No statutory provision has been indicated under which the said representation could have been made or was made. ~~On~~ A categorical reply to the applicant's representation, on his own showing, was given as back as 29.1.89. The OA was filed in 1996. It is fairly well settled that reply to a belated representation does not afford a fresh cause of action.

4. A review petition would be maintainable only if an error apparent on the face of the record within the meaning of the provisions of Order 47 Rule 1 CPC is shown. A Review petition would not lie for rearguing the case on the earlier grounds and a decision even if erroneous is not a ground for review.

5. The Review Petition therefore fails and is dismissed summarily.


MEMBER (A)


VICE CHAIRMAN

Dated: April 11..., 1996

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