

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.274/97 in OA No.1827/95

New Delhi, this 13th day of January, 1998

Hon'ble Shri Justice K.M. Agarwal, Chairman
Hon'ble Shri S.P. Biswas, Member(A)

Shri S.R. Katyal
s/o late Shri Gulab Rai Katyal
483, Vikas Kunj
Vikas Puri, New Delhi .. Applicant

(By Shri D.R. Gupta, Advocate)

versus

Union of India, through

1. Secretary
Department of Education
M/Human Resources Development, New Delhi
2. Secretary (Education)
Govt. of NCT of Delhi
Old Secretariat, Delhi
3. Director of Education
Govt. of NCT of Delhi
Old Secretariat, Delhi
4. Secretary
Department of Personnel & Training
Lok Nayak Bhavan, New Delhi .. Respondents

ORDER(in circulation)

Hon'ble Shri S.P. Biswas

This RA has been filed by the applicants against the order and judgement passed in OA 1827/95 on 25.9.97 by which the said OA was disposed of as under:

"9. For the foregoing reasons, this application partly succeeds and it is hereby partly allowed. The respondents are directed to treat the entire period of the applicant's foreign service between 19.1.78 to 7.10.91 as period qualifying for grant of increments to the applicant and to refix his pay after giving him the benefit of notional increments for the period of deputation as per Government letter dated 18.6.80 within a period of 4 months from the date of receipt of a copy of this order"

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2. Review is sought on the ground that there are apparent errors on the face of record resulting in miscarriage of justice to the applicant inasmuch as that the applicant had been pressurising the Government of NCT of Delhi to intimate him the rate and amount of contribution towards pension and leave salary which the latter failed to do and that perusal of file, the request of which was rejected by the Tribunal, would have supported applicant's contention that he had been offering contribution for pension right from 1982.

3. 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.

4. As already enumerated in our order aboresaid, applicant's letter dated 30.6.96 referred to the amount deposited by Shri Dua who was subsequently allowed to make his pension contribution. As per applicant, his claim is identical with that of Shri Dua. It has been mentioned in the order that "the applicant does not appear to have offered or tendered the amount of his pension and gratuity after coming to India. Expression

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of willingness to pay towards the pension contributions and that too after the date of retirement cannot be equated with tender or offer of the amount towards pension contributions. All documents consolidately marked as A-V, except the one of the year 1994, are of the year 1995. There is not a single document to show that during the period of his service with the respondents, the applicant ever expressed his willingness or offered any amount towards his pension contributions".

5. In view of the discussions aforesaid, it cannot be stated that there is an error apparent on the face of record or that the applicant has come with any point which was not available with him at the time of arguments.

6. In the result, the review application is summarily dismissed.

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(K.M.Agarwal)
Chairman

S.P. Biwas
(S.P. Biwas)
Member (A)

/gtv/