

(19)

Central Administrative Tribunal  
Principal Bench

RA 407/2000  
in  
OA 276/2000

New Delhi this the 5th day of December, 2000

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

Dr. Bhanu Iyengar,  
Iyengar Farm,  
Bijwasan Road,  
P.O. Kapashera,  
New Delhi-110037.

... Applicant.

Versus

1. Secretary,  
Department of Health,  
Ministry of Health & Family Welfare,  
New Delhi.
2. Director General,  
Indian Council of Medical Research,  
Ansari Nagar,  
New Delhi-110 029.
3. Director,  
Institute of Pathology,  
Safdarjung Hospital Campus,  
New Delhi-110 029.
4. J.P. Sharma,  
Institute of Pathology,  
Safdarjung Hospital Campus,  
New Delhi-110 029. ... Respondents.

O R D E R (By circulation)

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

I have carefully considered the grounds taken by the applicant in RA 407/2000 praying for review of the order dated 26.9.2000 passed in OA 276/2000.

2. One of the main grounds taken by the review applicant is that the Tribunal had failed to "see/note" certain facts and rules which calls for review of the order dated 26.9.2000. She has submitted that admittedly part payment towards her retirement benefit was made to her after two years of her retirement, while she had submitted her pension papers in the month of September, 1998.

Yours

SC

According to her, since her age of retirement was unsettled, she had not taken steps to get her pension fixed and submitted the necessary papers. She has also submitted that when the respondents required her to submit pension papers for process sometime in August, 1998, she has done so in September, 1998. Regarding the withholding of an amount of Rs.92535/- on account of alleged wrongful withdrawal of per diem charges by the applicant, she has referred to various records, including audit report and has submitted that there was no need to get the same done again as there was no irregularity with the earlier audit report. These issues have already been taken up by the learned counsel for the applicant at the time of final hearing of OA 276/2000.

3. A careful perusal of the review application shows that the applicant has tried to re-argue the case and no errors apparent on the face of the record or other sufficient grounds have been shown warranting review of the Tribunal's order dated 26.9.2000 in OA 276/2000. It is settled law that the review application cannot be used as an appeal to have the issues already argued and decided in the application re-heard only because the applicant is not satisfied with the order or feels that the same ~~as~~ <sup>is</sup> wrong. None of the grounds taken by the applicant in the RA falls within the provisions of Order 47 Rule 1 CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985, to justify allowing the review application.

3. Apart from the above, it is noticed from the averments in paragraph 1 of the Review Application that the applicant states that she has received a copy of the order

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dated 26.9.2000 through her counsel on 10.10.2000. Certified copy of the order is dated 3.10.2000. This RA has been filed on 13.11.2000 and hence, under Rule 17 (i) of the CAT (Procedure) Rules, 1987 read with Section 22(3)(f) of the Administrative Tribunals Act, 1985, the review application is also liable to be dismissed on the ground that it is barred by limitation.

4. In the result, for the reasons given above, RA is rejected.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)

'SRD'