

R.A. No. 283/93

Dated : 14.9.93

in

O.A. No. 29/93

V. K. THAPAR

V/s

UNION OF INDIA & OTHERS

O R D E R

The applicant has filed this application seeking review of the judgement dated 3.8.1993.

I have seen the Review Application and I am satisfied that the Review Application can be disposed of by circulation under Rule 17(iii) of the CAT (Procedure) Rules, 1987 and we proceed to do so.

2. He sought review of the judgement on the following grounds :-

- (1) The applicant concedes that except the payment of gratuity, all other retiral benefits have been paid to him immediately after his voluntary retirement with effect from 1.5.1989.

It is clear that he has not made any avernment in his O.A. except rejoinder seeking payment of interest

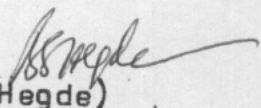
for the delayed payment of gratuity. He mentions the Railway Board's letter dated 15.4.1991 which envisages that ^{where} the payment of gratuity is delayed beyond 6 months, interest should be paid for the period of delay beyond 6 months from the date of retirement. Further, he contends that pleadings and arguments of the counsel for the applicant have not brought out in the judgement which gives an impression that the applicant's counsel was silent during the course of the hearing of the O.A. He further submits that though he has cited two decisions of the courts which have not been taken into consideration while rendering judgement.

3. As stated in the judgement, the applicant has worked in more than one department during his tenure and it is not the intentional delay on the part of the respondents for releasing the balance amount of gratuity because they had to deduct a sum of Rs. 62,424/- towards house building advance and motor car advance including interest from the applicant which information they will have to secure from Fertilizers Corporation of India and the Ministry of Steel & Mines where the applicant was working at the

time of his retirement. As mentioned in the judgement, the explanation given by the respondents is convincing. Since he was on deputation in more than one department, the retiral benefits could not be finalised as per schedule, and gratuity could not be paid in time for want of service records from Fertilizers Corporation of India as well as from the Ministry of Steel & Mines where the applicant had worked before his voluntary retirement.

4. The Review Application cannot be utilized for rearguing the case on the same ground in Chandra Kanta and Another v/s Sk. Habib [AIR 1975 Vol.62 SC 1500] wherein the Supreme Court held that "once an order has been passed by this Court, a review thereof must be subject to the rules of the game and cannot be lightly entertained. A review of a judgement is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition through different counsel of old and over-ruled arguments, a second trip over ineffectually covered ground or minor mistake of inconsequential import are obviously insufficient."

5. In the light of the above, as mentioned in the judgement, I am convinced by the explanation given by the respondents for delay in releasing the gratuity amount. I find that neither any error apparent on the face of the record has been pointed out nor any new fact has been brought to my notice calling for a review of the original judgement. The grounds raised in the R.A. are more germane for an appeal against my judgement and not for review. The Review Application is, therefore, dismissed.


(B.S. Hegde)
Member (J)