

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. No. 102/94
in
O.A. No. 1149/93

New Delhi this 24th Day of March 1994

Hon'ble Mr. J.P. Sharma, Member (J)

Shri S.R. Rao,
Son of Late Shri S. Venkar Rao,
Resident of E-8/2, M.S. Flats, R.K. Puram,
New Delhi. ... Applicant

(By Advocate : Shri N. Ranganathasamy)

Versus

1. Union of India, through
The Cabinet Secretary,
Cabinet Secretariat,
Govt. of India, R.K. Puram,
East Block, New Delhi.
2. Director General of Security,
Cabinet Secretariat,
East Block-V, R.K. Puram,
New Delhi-110 066.
3. Director, ARC,
Director General of Security,
Cabinet Secretariat,
East Block-V, R.K. Puram,
New Delhi-110 066.
4. The Director of Accounts,
Cabinet Secretariat,
East Block-V, R.K. Puram,
New Delhi-110 066.
5. The Secretary,
Ministry of Personnel, Training & pension,
North Block,
New Delhi.

(By Advocates: Shri P.H. Ramachandani,
Sr. Counsel with
Dr. J.C. Madan.

ORDER

Hon'ble Mr. J.P. Sharma, Member (J)

The applicant has sought the review of the
order dated 19.1.1994. The grievance of the applicant
prayed in the aforesaid original application has been
against the order dated 16.2.1993 where his representation
tation regarding enhancement pension from the salary
of the applicant was rejected. He has therefore prayed

that the direction be issued to the respondents to pay the amount of enhancement pension deducted from the salary of the applicant for the period from 1.1.1986 onwards. The relief claimed by the applicant was disallowed by the order under review. The main issue was whether the element of pension was taken into account while fixing the pay of the applicant as re-employed pensioner after his retirement from the military service as Wing Commander on completion of 20 years service and re-employed as a Pensioner in A.R.C. in the same post with effect from 1.8.1979 in the pay scale of Rs. 1100-1600. It may be recalled that the applicant was a Pilot Officer in the Indian Air Force and he came on deputation in the A.R.C. in the Cabinet Secretariat in the month of January 1970 on the post of Assistant Director (Photo). While the applicant was working on the deputation post he was granted his due promotion in the parent service in the Air Force as Squadron Leader and thereafter as Wing Commander. However after his retirement from the military service with effect from 31.7.1979 he was retained on the same post as re-employed pensioner. The contention of the learned counsel during the course of the argument is that while initial pay as Assistant Director in the pay scale of Rs. 1100-1600 was fixed on 1.8.1979, the element of pension was not taken into account.

2. This issue has already been considered by the detailed reasoning. In this review application the applicant again offered the same ground which he has taken during the course of the arguments and ^{were} have duly considered and thereafter the judgement ^{was} and review was passed.

There is no error apparent on the face of the judgement nor the applicant has tendered any further evidence

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to consider the conclusions reached in the aforesaid order. A review of the judgement as held by the Hon'ble Supreme Court cannot be entertained on raising the same arguments which have already been considered and rejected in view of the following observations:

In AIR 1975 SC 1500 - Chandra Kanta & Anr.
Vs. Sheikh Habib, the Hon'ble Supreme Court has observed as follows:

"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 new overruled arguments, a second trip over ineffectually covered ground or minor mistake of inconsequential import are obviously insufficient."

Again in AIR 1979 SC 1407 - Aribam Tuleshwar
Sharma Vs. Aribam Pishak Sharma & Ors, the Hon'ble
Supreme Court has held as follows:

"The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court".

The Review Application therefore has no merit and is dismissed by Circulation.

J. P. Sharma

(J.P. Sharma)
Member(J)

Mittal