

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

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R.A. No. 2/89
in O.A. No. 646/88

Date: 31st March 1989

Smt. R. BalammaApplicant

Vs.

The Delhi AdministrationRespondents
and Others

For the ApplicantNone

For the RespondentsNone

ORDER

The Review Applicant who is the applicant in O.A. No. 646/88 has filed the present Review Application praying that this Tribunals judgment dated 11.11.1988 be reviewed, that the RA be admitted and that the OA 646/88 be restored, in view of the facts and circumstances set out in the RA.

2. The applicant had filed O.A. No. 646/88 seeking the relief that her services be extended for 5 years, i.e., upto 31.7.1991 as a special deserving case, that her retirement be quashed because the department had failed even to notify the event of her retirement, that as/provisional pension and gratuity had not been paid as ordered by this Tribunal on 30.6.1987 in CCP No. 125/88 in T-801/86, she should be deemed to have got two years extension with effect from 1.7.86 to 30.6.88 and that she may be further granted extension and the respondents be asked to submit certain documents pertaining to selection grade promotions and seniority of the year 1966 and 1970.

On

2. After carefully going through the records of the case and hearing the applicant and the learned counsel of the respondents, we rejected the application at the admission stage on the point of limitation as well as on maintainability. In arriving at this conclusion, we had noted the fact that according to ~~her~~ ^{own} showing, she was to superannuate 30.6.86 on attaining the age of 60 years. The application was filed in May, 1988, which was nearly two years after her retirement. We had pointed out in Para.4 of our judgment that if she had any grievance, she should have filed an application within one year after her retirement or after one year and six months from the date of her representation, had she done so. On both counts, the application was barred by limitation. The applicant had not challenged any particular order. The applicants' case was that since the Tribunal has not ^{disposed} ~~of~~ her application, her services got automatically extended because she had requested in another MP that if the application cannot be decided, she should be given extension. Rejecting this contention we had observed in Para.5 of our judgment that "seeking the intervention of this Tribunal in getting extension in service is asking for the courts to act as the executive." In our opinion, the right forum for the applicant was to make a departmental representation for consideration of her case for extension in service. It can in no case be claimed as a right.

3. In the present Review Application, the applicant has not produced any fresh facts warranting a review of our judgment. We also do not see any error apparent on the face of the record warranting a review of our

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judgment. In case the applicant feels that our judgment is erroneous on merits, the proper course for her would have been to file an appeal against our judgment and not to prefer the present Review Application.

4. On careful consideration, we are of the opinion that there is no merit in the present Review Application and the same is rejected.

अजय जौहरी

(AJAY JOHRI)
MEMBER (A)

पूर्ण कर्त्ता

(P.K. KARTHA)
VICE CHAIRMAN (J)