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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

.....

Regn.No. RA-35/89
in
OA-1317/88

Date of Decision: 6/8/1990

Shri D.C. Aggarwal

... Applicant.

Vs.

Union of India

... Respondents.

CORAM

Hon'ble Shri P.K. Kartha, Vice-Chairman
Hon'ble Shri P. Srinivasan, Member (Admn.).

Per P. Srinivasan

Judgement

OA-1317/88 came before us for admission on 17.2.1989 when, after hearing counsel for both parties, we disposed of the application on merits. The said order disposing of the application was dictated in open court the same day in the presence of counsel for both parties. The applicant in the said RA wants us to review our aforesaid order dated 17.2.1989.

2. In OA-1317 of 1988, the applicant, a retired employee of the Delhi Administration prayed for (1) interest on delayed payment of retirement dues to him (2) payment of a sum of Rs.1625/- said to have been paid short to him in respect of his gratuity and 3) repayment of a sum of Rs.1190/- said to have been deducted from his retirement dues towards water charges alleged to be payable by him. In our order disposing of the application, we discussed the facts and arguments advanced on both sides and directed the respondents to pay the applicant interest at 10% per annum on delayed payment of pension, leave encashment and gratuity. The interest was to be calculated from 1.1.1986. As for the applicant's grievance about short payment of gratuity by Rs.1625/- and deduction of Rs.1190/- towards water charges, we were not inclined to go into detailed calculation but directed the applicant to furnish the details to the respondents and the respondents to examine the same and settle the matter after proper consideration within two months from the date of receipt of our order.

3. In the review application, the applicant complains that as the matter was finally disposed of at the stage of admission itself, the facts averred in his rejoinder to the reply of the respondents could not be put forward fully at the hearing. We see no merit in the objection. As our

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order sought to be reviewed will show, arguments of both sides were fully ^{heard} ~~read~~ before disposing of the application. Many applications are disposed of at the stage of admission after hearing both the sides and that is what we did in this case. It is ultimately for the Bench to notice such facts and arguments as it considers relevant and necessary ^{facts} ~~facts~~ to decide a case. If certain facts have not been noticed and an applicant considers them important, his remedy does not lie in review.

4. Generally the applicant seeks to reargue the case, urging that we have overlooked certain facts and have erred in our conclusion. We, however, failed to see any error apparent on the face of the record and we are not prepared to sit in appeal over our own order. If the applicant wants to challenge the conclusion ^{of} ~~of~~ our order - as he has a right to - he cannot do so in a review application. His remedy ^{lies} ~~is~~ elsewhere.

5. In view of the above, we reject the application for review by circulation among ourselves in terms of Rule 17(iii) of the Central Administrative Tribunal Rules, 1987.

(P. Srinivasan)
Member (Admn.)

(P.K. Kartha)
Vice-Chairman