

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

R.A. No. 47 of 1994

in

O.A. No. 1949 of 1988

Dated New Delhi the 17/2 day of February, 1994

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

Hon'ble Shri B. K. Singh, Member (A)

Shri Dina Nath
S/o Shri Khem Chand
R/o B-140 Mansarovar Garden
NEW DELHI-15

... Applicant

By Advocate Shri V. P. Sharma

VERSUS

1. General Manager
Northern Railway
Baroda House
NEW DELHI

2. Divisional Railway Manager
Northern Railway D.R.M. Office
NEW DELHI

... Respondents

By Advocate

ORDER

Hon'ble Shri B. K. Singh, Member (A)

We have gone through the Review Application in regard to Judgement and Order dated 15th December, 1993 in respect of Shri Dina Nath as applicant versus General Manager, Northern Railway, Baroda House, New Delhi and Divisional Railway Manager, Northern Railway, D.R.M. Office, New Delhi as respondents.

2. A review on a decision is possible under Section 114 read with Order 47 Rule 1 of C.P.C.

The Tribunal or a Civil Court is competent to review its decision on the following grounds:

(i) Discovery of new and important matter of evidence which, after the exercise of due diligence, was not within the knowledge of the applicant or could not be produced by him at the time when the decree was passed or order was made, or-

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(ii) Some mistake or error apparent on the face of the record, or-

(iii) For any other sufficient reason (which has been interpreted to be analogous to other reasons specified above).

3. In the judgement quoted above Shri Dina Nath was working as Booking Clerk, Daya Basti Railway Station and was in the pay scale of Rs.1200-2040. He was neither promoted in the scale of Rs.1400-2300 nor in the scale of Rs.1600-2660. He was holding the post in his own scale of Rs.1200-2040 and even if the post was upgraded and eligible candidates were posted to work in the scale of Rs.1600-2660 or in the scale of Rs.1400-2300 and they did not join, does not mean that Shri Dina Nath who was holding the post of Booking Clerk in his own grade, would become entitled to draw the pay scale of Rs.1600-2660 unless there is notification from the competent authority in that regard. The Tribunal had advised the competent authority to consider the ~~case~~ of the applicant for payment of overtime on the basis of duty roster since he was neither entitled to draw the pay scale of Rs. 1400-2300 nor was he entitled to draw still higher pay of Rs.1600-2660. All his representations for overtime or extra emoluments had been turned down by the Railway authorities.

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4. No case has been made out in the Review Application since it does not fall within the four corners of Order 47 Rule 1 read with Section 114 of CPC. A review cannot be asked for fresh hearing of arguments. It is only for correction of a patent error of fact or law which stands ~~one~~ on the face of record ~~the~~ without any elaborate argument being needed to establish it. The ~~pleas~~ not taken in the original application cannot be taken as a ground for review. Order 47 Rule 4(i) provides that if there is no sufficient ground for review, the application shall be rejected.

5. In the light of the aforesaid observations, the R.A. is rejected by circulation.

(B. N. Singh)
(B. N. Singh)
Member (A)

J. P. Sharma
(J. P. Sharma)
Member (J)

ddc.