

In the Central Administrative Tribunal
Principal Bench: New Delhi

RA No.92/93 in
OA No.257/88

Date of Order: 16.04.1993.

Shri A.P. Saxena

...Petitioner

Versus

Union of India & Others

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)

O R D E R

Shri A.P. Saxena through this R.A. has prayed for a direction to the respondents for payment of consolidated travelling allowance (CTA) to him from 1.11.1985 to 31.7.1986 together with interest at the rate of 17 per annum till the date the amount is actually paid. He has also prayed for awarding costs, amounting to Rs.2000/-. He has also filed an application for condonation of delay in filing the R.A. on 17.3.1993 whereas the judgement in OA-257/88 was rendered on 4.1.1993. In the judgement, adverted to above, the impugned order dated 11.9.1986 issued by the respondents was set aside to the extent it purported to effect recovery of CTA from 1.1.1984 to October, 1985 from the petitioner. The respondents were further directed that the amount recovered from the DCRG of the petitioner shall be refunded to him with utmost expedition but preferably within 12 weeks from the date of communication of the order. No order however, could be passed in regard to the respondents' order dated 24.2.1987, as the same was not placed on record. It is further observed from the original O.A. that the petitioner had prayed for the following reliefs:-



"Setting aside the order of recovery of the Chief Railway Manager, Izatnager dated 11/9/86 and of D.R.M. dated 24/2/87 rejecting the representation of the applicant; directions be issued to the Respondents to refund Rsw.9660/- illegally recovered from the gratuity of the applicant with interest at 17% per annum over the amount from the date it was withheld to the date of its actual payment."

2. It is observed from the above that there is no prayer in regard to the claim now being made for payment of CTA from November, 1985 to 31.7.1986 in the original O.A. The scope of the R.A. is extremely limited in terms of the provisions made in Order XLVII of the Code of Civil Procedure. There is no error apparent on the face of record nor there is any discovery of new document which was not available to the petitioner with exercise of due diligence, nor there is any other sufficient cause for reviewing the judgement. I had, however not passed any order in regard to the payment of interest on the withheld amount of DCRG amounting to Rs.9666/- which has been ordered to be refunded to the petitioner, as in accordance with the instructions of the respondents they are required to pay interest on the amount of DCRG for the period of delay for the first year at the rate of 7% and thereafter at the rate of 10%. It is, therefore, clarified that the interest on the relevant rate as per the instructions of the respondents shall be payable to the petitioner on the amount of DCRG ordered to be refunded to him. The R.A. is disposed of as above.


(I.K. Rasgotra)
Member(A)

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