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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
* * *

Date of Decision : 19.10.92

RA 320/92 in OA 1617/88

Union of India & Ors. vs. Shri M.P. Singh Bali

ORDER

The respondents, Union of India & Others have filed the Review Application against the judgement dt. 4.8.1992 passed in OA 1617/88 by which the application was allowed with the following directions :-

- (a) The respondents are directed to pay interest @12% p.a. on an amount of Rs.60,000 from 4 months after the date of retirement upto the time till the date of actual payment of the DCRG amount to the applicant.
- (b) Interest on the balance of Rs.39,000 will start from 4 months after the date of retirement of the applicant, and that shall be adjustable along with the principle amount in the monthly damages to be recovered from the applicant, i.e., the amount of interest on this amount shall be liable to be set off against the monthly damages as levied by the General Manager and if damages are not satisfied by the interest, then they shall be liable to be recovered or adjusted from Rs.39,000 and this process will continue till the vacation of the quarter by the applicant. If the amount by such calculation remains outstanding against the applicant, then he shall be paid that amount also and that amount shall be paid with interest @12% till the date of payment.
- (c) The respondents shall comply with the above directions within a period of three months from the date of communication of this judgement.
- (d) In the circumstances, the parties shall bear their own costs.

The ground taken in the Review Petition is that the

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delay in payment of gratuity was not due to the administrative lapse. However, the matter has been fully considered in the judgement itself and the learned counsel for the respondents then appearing, Shri O.N. Moolri was also heard. The petitioners cannot open the issue already decided in the judgement.

As provided by Section 22(3)(f) of the Act, the Tribunal possesses the same powers of review as are vested in a Civil Court while trying a civil suit. As per the provisions of Order XLVII, Rule 1 of the Code of Civil Procedure, a decision/judgment/order can be reviewed :

- (i) if it suffers from an error apparent on the face of the record; or
- (ii) is liable to be reviewed on account of discovery of any new material or evidence which was not within the knowledge of the party or could not be produced by him at the time the judgement was made, despite due diligence; or
- (iii) for any other sufficient reason construed to mean "analogous reason".

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The Review Application is not covered by any of these grounds. At p-8 of the judgement, the learned counsel for the respondents has been heard and he also objected to the payment of interest on the ground that there has been no administrative lapse. The matter has been fully considered. There is no ground now to open the case afresh. The Review Application has, therefore, no force and is dismissed.

(Signature)

(J. P. SHARMA)
MEMBER (J)