

13

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO. 446/93
in
D.A. NO. 1370/88

New Delhi this the 3rd day of January, 1994.

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Hans Raj S/O Shri Dhani Ram,
R/O RZ-19-A/1, Gali No.2,
Sagar Pur, New Delhi.
Working as C.G.II, Office
of the Chief Engineer (R&D),
All India Radio, I.P. Estate,
New Delhi.

... Applicant

Versus

1. Union of India, Department
of Personnel & Training,
Ministry of Personnel, Public
Grievances & Pension,
Govt. of India,
Vith Floor Room No. 618,
Nirwahan Sadan, New Delhi,
through its Secretary.
2. Chief Engineer (R&D), AIR,
I.P. Estate, Ring Road,
New Delhi.

... Respondents

O R D E R (BY CIRCULATION)

Hon'ble Mr. S. R. Adige, Member (A) —

This application is dated 26.11.1993 filed by
Shri Hans Raj praying for a review of the judgment
dated 21.10.1993 in D.A. No. 1370/88 - Hans Raj vs.
Union of India & Anr.

2. The applicant has asserted that there is an
error apparent on the face of record inasmuch as
in paragraph 2 of the judgment dated 21.10.1993
it has been stated that the applicant having lost
his job in the Beas Construction Board had not

acquired any legal right for absorption in Government service and it was only on humanitarian and equitable considerations that he was re-deployed vide Government letter dated 17.12.1984. The applicant contends that as a matter of fact, the order dated 17.12.1984 specifically speaks of the applicant's posting in the public interest, and is in the nature of a transfer. This assertion of the applicant is based upon an incomplete understanding of the judgment. Admittedly, the applicant who was appointed as a Clerk in the Beas Construction Board, consequent to the winding up of the said Board was rendered surplus, and his name was placed on the rolls of the Surplus Cell of the Department of Personnel & Training. What has been stated in paragraph 2 of the judgment is that after the Beas Construction Board had been closed down, the applicant had not acquired any legal right for absorption in Government service and it was purely out of humanitarian considerations that his services were placed in the Surplus Cell of the Department of Personnel & Training from where he was deployed to the office of the Chief Engineer (R&D), All India Radio, New Delhi vide letter dated 17.12.1984. Hence, paragraph 2 of the judgment expresses the correct factual position and this ground for review fails.

3. Secondly, the applicant has averred that it was beneficial to him in 1985 to opt for the Central Government pay scale, but if he had had any inkling that it would be disadvantageous for him to do so

at a later point of time, he would have opted for the Beas Construction Board pay scales then itself. Suffice to say that this cannot be made any ground for review of the judgment.

4. Thirdly, the applicant has averred that his pay could not be altered to his disadvantage on the basis of audit objections which took into account the instructions/guidelines issued by the Union Government subsequently.

5. Lastly, the applicant has urged that the Tribunal has not taken into consideration the Delhi High Court's judgment dated 9.10.1990 in C.W. No. 3462/89.

6. Neither of these two grounds are sufficient for a judgment to be caused to be reviewed. Under Order XLVII Rule 1 Code of Civil Procedure, a judgment/decision/order can be reviewed only if (i) it suffers from an error on the face of record; (ii) 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 it at the time the judgment was made despite due diligence; and (iii) for any sufficient reasons, construed to mean analogous reason.

7. As none of these ingredients have been made out, this review application is rejected.

Anujgopal
(S. R. Adige)
Member (A)

Malimath
(V. S. Malimath)
Chairman

/as/