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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

RA No.449 of 1993
in
OA No.190 of 1988

New Delhi, this the 22nd day of December, 1993.

Hon'ble Mr Justice S.K.Dhaon, Vice Chairman.

Hon'ble Mr B.N.Dhondiyala, Member(A).

M.C.Aggarwal
WP 509 Village Wazirpur
Ashok Vihar Delhi-52

.... Applicant

vs.

1. Union of India
through its Secretary
Ministry of Urban Development
Nirman Bhawan, New Delhi.

2. Director General of Works
CPWD Nirman Bhawan New Delhi. ... Respondents.

ORDER(BY CIRCULATION)

(B.N.Dhondiyal, Member(A))

This Review Application has been filed by Mr M.C.Aggarwal, applicant in OA No.190/1988, decided by this Bench of the Tribunal on 24th September, 1993. It has been prayed that the above judgment be reviewed and petitioner of allowed 24% interest per annum on the arrears/increment

2. The grounds for review are that in para 7 of the judgment it has been stated that the petitioner admitted that arrears have been allowed to him from 1.3.1984. However, he never made this statement and has been allowed arrears with effect from 21.6.1983. The para also mentions that it cannot be said that the applicant had suffered due to undue delay and that the delay was not malafide.

3. This Tribunal had found that though the applicant had become eligible to cross the Efficiency Bar on 21.6.1983 when he passed the departmental examination, his case was examined by

the competent authority and he was allowed to cross his efficiency bar only from 1.3.1984 and was not found fit for crossing the Efficiency Bar from 1.3.1983. He was allowed to cross the efficiency bar at Rs.110/- w.e.f.1.3.1984 and was also given the benefit of past service under F.R.25 w.e.f.1.3.1983. The applicant has in the review petition brought out a new fact that the order dated 5.11.1986 was later amended and he was allowed arrears from 21.6.1983. However, there is not a whisper of this fact either in the O.A.190/88 or in the rejoinder filed by him. This seems to be a later development and only improves the relief given to the applicant. This Tribunal had to go in accordance with the facts as mentioned in the pleadings.

4. In view of the above, we hold that the applicant has not been able to make out a case for the review on the basis of an error apparent on the face of the judgment and the Review Application is hereby dismissed.

B.N. Dhoundiyal
(B.N.Dhoundiyal)
Member(A).

S.K. Dhaon
(S.K.Dhaon)
Vice Chairman

/sds/