

In the Central Administrative Tribunal

Principal Bench: New Delhi

RA 208/91 in
OA 1732/89

Date of decision: 23.10.1992.

Gopi Nath Ojha

...Petitioner

Versus

Union of India

...Respondent

Coram:

The Hon'ble Mr. Justice V.S. Malimath, Chairman
The Hon'ble Mr. I.K. Rasgotra, Administrative Member

For the petitioner Shri R.V. Sinha, counsel.

For the respondent None

This is an application for review of the judgement rendered by the Bench consisting of Hon'ble Mr. G. Sreedharan Nair, Vice-Chairman and Hon'ble Mr. S. Gurusankaran, Member (A) on the ground that there are errors apparent on the face of record, justifying review.

2. First prayer is for recalling direction No.2 in the judgement. It reads "since the applicant has not given any further request for fixation of his pay with effect from 25-1-1983, in view of the position explained to him vide Annexure-A15, his earlier option shall be treated as withdrawn and no refixation of pay with effect from 25-1-1983 shall be done." One of the contentions of the petitioner is that no such contention warranting such a direction was advanced during the course of the arguments and that, therefore, such a direction could not have been issued. We find it difficult to accede to this contention. The prayer in the

25

O.A. is for refixation of the pay w.e.f. 25.1.1983 in a particular manner. When that question was debated the Tribunal was justified in ascertaining as to whether the petitioner has made out the case for grant of such relief. The Tribunal has held that the petitioner is not entitled to refixation of his pay w.e.f. 25.1.1983 in view of the position explained to him in Annexure A-15, his earlier option being treated as withdrawn. Hence it is not possible to say that direction No.2 did not flow from what the petitioner was agitating in the main Application, as to whether the conclusion drawn by the Tribunal is right or not is not a matter on which we can permit rearguing of the entire case. We are not satisfied that there is any error apparent on the face of record calling for review. So far as the third direction is concerned, no modification would be necessary. ~~If~~ We do not accede to the prayer of the petitioner for deleting the second prayer, the petitioner has prayed for grant of interest at the rate of 12% per annum and also of arrears due to refixation of his pay. That is a matter of discretion which has not been exercised in favour of the petitioner. ^{Hence we} would not be justified in reviewing the judgement in this behalf. We are, therefore, not satisfied that there is any case made out for the review. If the petitioner is not satisfied or is aggrieved by the judgement, it is open to him to challenge the same before the appropriate forum. The R.A. is accordingly rejected.

S. K. Rasgotra
(I.K. RASGOTRA)
Member (A)

V. S. Malimath
(V.S. MALIMATH)
Chairman