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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

R.A. 3 of 1991

in

O.A. No.40/1989.

Date of decision: February 22, 1991

Shri N.L.Sehgal

....

Applicant.

vs.

Union of India & Ors.

Respondents.

CORAM:

Hon'ble Mr. Justice Amitav Banerji, Chairman.

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

For the applicant

...

Shri B.S.Mainee,counsel

For the respondents

...

Shri P.P.Khurana,counsel

(Orders of the Bench delivered by Hon'ble
Mr. Justice Amitav Banerji, Chairman).

This Review Application has been filed on behalf of the applicant, Shri N.L.Sehgal. In the Review Application it is stated that the applicant apprehends that the second sentence of the penultimate paragraph of the order dated 14.11.1990 in O.A. No.40/1989 is likely to be misinterpreted by the respondents and they may not pay the emoluments of the applicant for the period for which he was fit to perform his duties. The operative part of the order reads as under:

"We further order that the applicant will be taken back on duty. The period of absence from the date of compulsory retirement upto the date of reinstatement shall be treated as leave due including leave on Half-Average pay, subject

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to the production of medical certificates, in accordance with the rules. He would also be entitled to all consequential benefits subject to his certifying that he was not gainfully employed during the period from the date on which he was compulsorily retired to the date of reinstatement...."

It is not stated anywhere that there is some error apparent on the face of the record in the above order, nor is it stated that any new fact has come to light which was not known before to the applicant. The Review Application is based on mere apprehension which cannot form the basis of a Review Application. The operative part of the order is clear and states that the applicant would also be entitled to all consequential benefits subject to his certifying that he was not gainfully employed during the period, viz., from the date on which he was compulsorily retired to the date of reinstatement. It goes without saying that if he is aggrieved by non-implementation of the order, he has a remedy under the provisions of the Administrative Tribunals Act itself. This Review Application is accordingly rejected.

I.K. Rasgotra
(I.K.RASGOTRA)
MEMBER (A)
22.2.1991.

A.B.
(AMITAV BANERJI)
CHAIRMAN
22.2.1991.