

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
PRINCIPAL BENCH,  
NEW DELHI.  
\* \* \* \*

RA 164/92 in  
OA 980/89

Girdhari Lal vs. Union of India & Ors.

ORDER

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J).)

The applicant has preferred this Review Application under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 against the judgement dated 10.3.92.

2. 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/judgement/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".

3. In the Original Application, the reliefs claimed by the applicant were not granted on the basis of reasoning

duly supported by the law, laid down in the case of S.P. Vishwanathan vs. UOI (WP No.145/89) decided on March 6, 1991 where the Hon'ble Supreme Court laid down that the proposition of law in the benefit of judgement in the case of UOI vs. Ramzan Khan reported in 1991 (1) SLJ 196 accrues to such persons only after the delivery of that judgement dated 29.11.90.

4. The learned counsel for the applicant has taken the ground that since there is an observation in the judgement that the applicant was similarly placed to the applicants of the TA 319/85, so on the basis of the authority of A.K. Khanna vs. UOI (ATR 1988 (2) Page 518) and the law declared by the Full Bench of the CAT in John Lucas's case, the benefit of the judgement in TA 319/85 decided in August, 1987 by the Principal Bench and in the case of Balwant Singh vs. UOI should have been given to the applicant. The applicant had already retired in 1982 much before the judgement was given in TA 319/85 and the applicant was not even a party before the Delhi High Court when the Writ Petition was filed for certain reliefs regarding seniority and pay. No such authority has been cited where the applicant was not in service and the benefit of the judgement delivered subsequently has been given to such person retrospectively. There is no

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question of fixation of seniority when the applicant had already retired and no more in service. In TA 319/85, the petitioners claimed the pay scale of Divisional Accountants retrospectively, where such incumbants were promoted to the rank of UDC or Head Clerk. In that case interse seniority between Works Accountants and Head Clerks was also questioned. Thus, the ground taken in the Review Petition has no basis because the applicant had already retired from service 5 years earlier to the declaration of law by the aforesaid judgement. The other point taken in the Review Petition is that there is no one else except the petitioner, who retired earlier or subsequently and is due the benefit of the said judgement, is not substantiated by any document in the Original Application or any averment in this regard in the pleadings pressed by the applicant by way of application or rejoinder in the said case. This ground also, therefore, has no force.

5. As regards third ground regarding the application of the case of Amrit Lal Beri, decided by the Hon'ble Supreme Court, the facts of the case are not analogous to the present case. The word similarly situated also implies that for all purposes the party should be equal. In the present case, the applicant had already retired in 1982.

(2)

6. In view of the above, the Review Application is, therefore, dismissed.

Signature

(J.P. SHARMA)  
MEMBER (J) 22.5.92

Dec. 22/5/92

(P.C. JAIN)  
MEMBER (A)