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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

R.A. 40/91 in
O.A. 974/90.

Decided on 16-04-91

Madan Singh

.....Applicant.

Vs.

Union of India
through the General Manager,
Northern Railway, New Delhi.

.....Respondent.

Present: Shri B.B. Rawal, Advocate for the Applicant.

B.S. SEKHON:

Petitioner, herein-Applciant in O.A. 974/90 titled Shri Madan Singh Vs. Union of India & Anr. seeks review of decision dated 18.1.1991 rendered in the aforesaid O.A. The grievance agitated in the O.A. was that the Petitioner had not been paid encashment of leave at his credit. He had sought a direction to the Respondents to pay him leave encashment for 8 months and interest @ 12% per annum on the amount due from the date of retirement till the date of payment.

2. The grounds urged in the Review Petition are that the leave account produced by the Respondents before the Tribunal during the course of hearing was forged on account of the following documents which the Petitioner could not know inspite of the best and diligent efforts before the date of hearing of the O.A.:-

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- i) Letter No. 727-E/2/2770-P.5 from DRM's Office, New Delhi to Loco Foreman, Delhi, SEFO (LR) Ghaziabad and GFO, Diesel, Shakarpur Basti (Annexure RA-1).

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- ii) Letter No. 21/IE(RG)/89 from Loco Foreman, Delhi dated 20th Sept., 1989 (Annexure RA/2).
 - iii) Letter No. 2/IE/VG/89, dated 10th November, 1989 addressed to APD Delhi Division by GFD (Diesel), Shakurbasti (Annexure RA/3).
 - iv) Letter No. E5/Track/89, dated 22nd November, 1989 from S.C.F.O(LR) Ghaziabad addressed to DPD, Delhi (Annexure RA/4).
 - v) D.O. letter No. AGM/Misc/90, dated 15th March, 1990 from Secretary to AGM to Miss Kamal Sachdeva, Divisional Personnel Officer, Northern Railway, DRM's Office, New Delhi.

3. We have heard the arguments addressed by the learned counsel for the Petitioner and have given our earnest consideration to the matter. It may be stated at the very outset that the Review Petition is sustainable only on limited grounds set out in Order XLVII Rule 1 of the Code of Civil Procedure. These grounds are:-

- i) The judgment is liable to be reviewed on account of error apparent on the face of record.
- ii) The judgment is liable to be reviewed on account of discovery of new evidence or material which despite exercise of due diligence could not be produced by the Petitioner at the time the judgment was made; or
- iii) On account of any other "sufficient cause".

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The judgment sought to be reviewed does not suffer from any error apparent on the face of record. We also find it difficult to accept the statement of the Petitioner that he could not produce the documents inspite of best and diligent efforts on the date of hearing. Petitioner has not stated as to what efforts were made by him to get the

documents in question. The averment of the Petitioner contained in Para 4 is blissfully vague. It is difficult to accept such vague statement at its face value. Ground (ii) specified here-in-above is also, thus, not satisfied in this case. The expression 'sufficient cause' means analogous cause. The Petitioner has also failed to make out any other 'sufficient cause' justifying review of the decision. In view thereof, the Review Petition merits rejection. Consequently, the same is hereby rejected.

C. C. Jain
16/4/1991
(P.C. JAIN)
ADMINISTRATIVE MEMBER

B. S. Sekhon
(B.S. SEKHON)
VICE CHAIRMAN

16-4-91

'MSR'