

1X

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

Date of Order: 6.8.92

RA 259/92 in OA 798/90

AMARJIT SINGH Vs. UNION OF INDIA

ORDER

This is a Review Application by the applicant against the judgement dated 15.5.92. The applicant was given employment in the office of the Development Officer, Iron and Steel, New Delhi after he retired from Military Service being found medically unfit. He joined as LDC on 30th October, 1979. The pay of the applicant was fixed as per provisions of Article 510 of CSR. The applicant prayed that his pay be refixed in accordance with the Circular dated 6.2.83 under Article 510 of CSR and FR 27. The applicant did not appear on the date of hearing and the matter was decided on the basis of the pleadings on merit.

The main ground for the review is that the OM dated 6.2.83 has not been appreciated in its correct perspective. The applicant has also stated that this is case of promissory estoppel. However, the promissory estoppel has not been pleaded nor argued. There is also no case of estoppel operating against the respondents. I have considered the various grounds taken by the applicant and I find that the application cannot be reopened again. The matter has been fully discussed in the judgement itself. The OM dated 6.2.83 referred to in the judgement clearly lays down that the existing limits of Military pension is to be ignored fixing the pay of re-employed pensioner.

J

Thus, there is no error apperant on the face of the record of the judgement.

As provided by Section 23(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 an error apparent on the case 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".

The case of the applicant does not fall on any of the grounds.

In view of the above facts, there is no case for review of the judgement. The Review Application is, therefore, devoid of merit and is dismissed.

J.P. Sharma,
(J.P. SHARMA) 6.8.92
MEMBER (J)