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

RA 46/93 in OA 2015/91

Date of Decision : 4.3.93

Shri R.S. Arya and Anr. Vs. Union of India & Anr.

ORDER

The above review has been filed by the applicants against the judgement dt.18.12.1993 by which the Original Application was dismissed on the ground of limitation as well as on merits. In the Review Application regarding limitation, the applicants have raised fresh arguments. The point of limitation has been discussed in para 13 of the judgement and reliance has been placed on the authority of Dr.S.S. Rathore Vs. State of M.P., AIR 1990 SC p-10. Fresh arguments raised in the RA, therefore, cannot again be considered in the light of the clear finding in the judgement that the applicants have not assailed ^{with in limitation} the order of non grant of special allowance communicated in 1986.

The applicants have also taken certain grounds on merits of the case in para 5(i) of the Review Application. The applicants have given certain examples of certain other departments where special pay has been granted, but that aspect is totally immaterial in the present case. The grant of special pay of Rs.35 was allowed to ^{to} ^{au} Editors attending to work of important and complex nature in DAD, which was issued separately by the Ministry of Finance in OM dt.5.5.1979 and it was implemented w.e.f. 1.5.1984 subject to certain conditions which have been elaborately laid down in para-3 of the judgement. Thus the matter cannot be reopened again on the basis of new averments made in the guise of grant for review. There is no error apparent on the face of the judgement.

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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'.

The case of the applicants does not fall in any of such grounds.

The applicants have also raised the issue of decision of the matter by a Single Bench, but the applicants have never requested that the matter be heard and decided by a Division Bench.

There is no force in this Review Application and the same is dismissed as devoid of merit.

J. P. Sharma

(J.P. SHARMA)
MEMBER (J)