

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

(18)

RA 163/92 in
OA 933/91

22-5-92

H.K. Jain vs. Union of India & Anr.

ORDER

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

The applicant of the OA 933/91 has filed this application for review of the judgement dated 30.1.92.

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) ^{be} 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. The ground No.A taken by the applicant is with regard to the judgement reported in 1991 (16) ATC P.422 where the pensionary benefits have been held to be

a recurring cause of action. In the present application, the applicant resigned from the Govt. service on 11.10.71 on his own volition for taking up new appointment in Air India. In this context, the applicant has prayed for the grant of pro-rata retirement/termination benefits for the period of his service under Union of India. Thus, it is not a simple case where only relief is for the grant of pensionary benefits, the issue is whether the service of the applicant which he has rendered under Union of India can be counted for pensionary benefits as after resigning the service, he joined a Public Sector Undertaking?

4. Ground Nos.B,C & E refer to the limitation.

The judgement referred to by the applicant has been considered and the case of S.S. Rathore Vs. State of Madhya Pradesh decided by Hon'ble Supreme Court (AIR 1990 SC P.10) has been relied upon. The matter cannot be re-opened again on this account.

5. Ground-D is a narration of fact. Grounds F,H & I have been fully discussed in the body of the judgement in para-7. The ground-G taken by the applicant is fully discussed in para-8 of the judgement under review. The grounds-J,K & L are only argumentative.

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6. Having given a careful consideration, we do not find that any case for review of the judgement is made out. The Review Application is, therefore, totally devoid of merit and is dismissed.

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

Cec
(P.C. JAIN)
MEMBER (A) 22/5/92