

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

D- 1-6-92

RA 188/92 in OA 1730/91

Shri K.P. Sharma vs. Union of India & Ors.

ORDER

The petitioner has sought Review of the Judgement dt.13.4.1992 in OA 1730/91 decided by the Single Member Bench allowing the application of the applicant with the following directions :

"(a) The respondents are directed to refund the amount of DCRG with 10% interest p.a., deducted by way of damages for unauthorised retention of the quarter by the applicant for the period after retirement. After deducting the amount at normal licence fee of the rent/licence fee upto Feb., 1990 and electricity and other dues.

(b) The respondents are directed to institute proceedings against the applicant under Section 7(2) of the PP(EOU) Act, 1971 for recovery of damages/compensation for unauthorised retention of the Railway Quarter No.E-14, Dehradun from 1.6.1987 till the date of vacation, i.e., 15.2.1990 and the applicant shall be liable to pay the same.

(c) The respondents are directed to pay the sum of Rs.1831 on account of non payment of CDS amount along with interest @10% from the date of retirement till the date of payment.

(d) Interest on Rs.3520, withheld by the respondents from the DCRG amount is disallowed, which has already been paid in February, 1991.

(e) The respondents to comply with the above directions within a period of six weeks from the date of receipt of a copy of this order.

In the circumstances, the parties to bear their own costs!

2. The petitioner has sought that the direction to the respondents to pay a sum of Rs.1831 which has been ordered to be paid to the applicant by virtue of para 6(c) of the operativeportion of the judgement with interest @10% from the date of retirement till the date of payment, be modified to the extent that w.e.f. August, 1978 as the amount is of the Provident Fund, the interest be paid at the rate admissible under the GPF account upto the date of retirement and thereafter @10%. The applicant in the OA in para-8 claimed this amount in clause 8(ii) of the relief clause as follows :-

"Direct the respondents to pay Rs.1831 to the applicant as refund of CDS along with penal interest @24% as this amount is withheld due to perpable negligence of the respondents."

3. In para-4.11 of the OA, the applicant stated that the respondents have also not paid an amount of Rs.1831 due to the applicant on account of refund of CDS. In para 4.12, the applicant has further stated for payment of Rs.1831 shown as in August, 1978 as refund of CDS, but neither in the application itself in the column of facts nor in the grounds in para-5 of the OA and also even not in the reliefs, the applicant has claimed ^{what} ~~as~~ now the applicant prays in the Review Application.

4. In view of the above facts, there is no error apparent on the face of the judgement. A judgement can be reviewed on one of the following grounds :

- (i) if it suffers from an error apparent on the face of the record; or

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(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".

5. In view of the above facts, the Review Application is dismissed.

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

1-6-92