

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
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R.A. No.244/92 in O.A. No.1224/91 Date of Decision : 29.7.92

Union of India & Ors. Vs. Smt. Yashodra Devi

ORDER

This is a Review Application filed by the respondents (Union of India & Ors.) against the judgement dt. 10.4.1992 by which the application was disposed of with the direction to the respondents to grant family pension to the applicant as per entitlement, according to the Extant Rules. She was held entitled to the arrears of pension not from 1977, but from the date when she made the representation to the respondents, i.e., from 4.7.1989. In this Review Application, both the parties were heard on merits. What is contended by the learned counsel for the Union of India & Ors. is that they had filed a short reply on admission. However, if the respondents, i.e., the petitioners in the R.A. desired to file a detailed reply, they should have made a request at the time of hearing.

2. 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 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".

3. There is no ground to review the judgement. The Review Application is devoid of merit and is, therefore, dismissed.

Jomane
28/7/92
(J.P. SHARMA)
MEMBER (J)