

16

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI  
\* \* \*

4.8.92

Date of Order: \_\_\_\_\_

RA 258/92 in OA 475/91

S.N. SETH

Vs.

UNION OF INIDA

ORDER

The applicant has sought review of the judgement passed in OA 475/91 on 29.5.92. In that OA, the applicant has been allowed the relief as detailed in para 9, quoted below:

"Of course, the applicant has come very late before this Tribunal and the present application has been filed in February, 1991. But since the applicant is an old man and payment of pension is a continuing cause of action, the application is allowed and disposed of as follows:

The respondents shall sanction and pay pensionary benefits to the applicant for a period of service put in under the Govt. and which qualifies for pensionary benefits:-

a) An amount equal to what the Govt. would have contributed had the officer been on Contributory Provident Fund terms under the Government;

b) Simple interest @ 2% per annum on the above amount for the entire period of pensionable service rendered by the applicant under the Govt. prior to his permanent absorption in ONGC;

c) Compound interest at the rate applicable to the CPF amount in the ONGC for the period from 8.8.65 till the date of superannuation from ONGC on February 28, 1979, on the amount comprising (a) & (b) above. The applicant is not entitled to any compound interest after that because he has not applied for pensionary benefits to the respondents in time.

The period of three months for compliance of the above directions will count from the date of receipt of a copy of this order by the respondents. In the circumstances, parties to bear their own costs."

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

1

2.

(17)

2 ✓

- 2 -

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 deligence; or
- (iii) for any other sufficient reason construed to mean "analogous reason".

There is no error apparent on the face of the judgement. The Review Application is, therefore, devoid of merit and is dismissed.

*J. P. Sharma*  
( J.P. SHARMA ) 4.8.92  
MEMBER (J)