

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEWDELHI**

**R.A. NO.226/2005  
IN  
O.A. NO. 2315/2004**

New Delhi, this the 10<sup>th</sup> day of November, 2005

**HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)**

Miss. Christine James,  
D/o Shri Frank James,  
Retired Chief Nursing Officer,  
Lady Hardinge Medical College,  
& Smt. S.K. Hospital, New Delhi

Residence:  
G-4, 39, J Block,  
Dilshad Colony, New Delhi – 110 095

... Applicant

**Versus**

1. Secretary to the Govt. of India,  
Ministry of Health & Family Welfare,  
Nirman Bhavan, New Delhi-110 001
2. The Director General, Health Services,  
Nirman Bhavan, New Delhi – 110 001
3. The Principal & Medical Supdt.,  
Lady Hardinge Medical College &  
Smt. S.K. Hospital, New Delhi – 110 001
4. Secretary, Cabinet Sectt.  
(Public Grievances), Govt. of India,  
2<sup>nd</sup> Floor, Sardar Patel Bhavan,  
New Delhi – 110 001
5. Secretary, Ministry of Personnel,  
Public Grievances & Pension,  
Department of Pension & Pensioners'  
Welfare, Lok Nayak Bhavan, New Delhi

... Respondents

**O R D E R (In Circulation)**

By the present RA, the applicant seeks review and recall of an oral order dated 31.08.2005 whereby the aforesaid OA 2315/2004 has been dismissed on the ground that this Tribunal erred in observing that "equality cannot be claimed as a matter of right for extension of any illegal action taken in respect of other persons', though the Tribunal vide order dated 03.09.2003 in OA 2718 of 2002 had directed the Principal & Medical Superintendent, Lady Hardinge Medical

College and Smt. S.K. Hospital to "take such further action as permissible under law and fix responsibility for any lapses of the concerned officials with regard to other persons who have over-stayed in the hostel accommodation as per law". It is stated that failure to take action by the respondents is arbitrariness and discrimination to the applicant violating Articles 14 & 16 of the Constitution. Similarly, this Tribunal erred in not taking notice of the fact that on simple calculation, interest on Rs.10,000/- at the rate of 8% per annum for about 8 years comes to Rs.6,400/- though the applicant was paid interest of Rs.3,167/- only. Despite her best efforts, details of the interest have not been given. It is further contended that the applicant was paid belatedly the amount of Rs.14,577/-, Rs. 2906/- and Rs.5,000/- in terms of columns 3, 6 and 7 of the due drawn statement as noticed under para-8 of the order dated 31.8.2005 passed by this Tribunal. It is submitted that sometime the applicant had been paid by cheques, sometime the amount was sent to her bank and even request for reconciliation of the amount paid was not heeded to. She being a senior citizen of 67 years of age "may not be compelled to go in for third round of litigation in the Delhi High Court".

2. I have carefully perused the oral order in question dated 31.08.2005 as well as the present Review Application and find on a bare perusal of paragraph 8 of the Tribunal's order, which contained the details of the due drawn statement in respect of whatever retirement benefits paid to the applicant, in column 3, it is mentioned that the difference of revised leave encashment on account of 5<sup>th</sup> Pay Commission was drawn vide cheque dated 10.06.1998, but the same was not collected by the applicant and the cheque expired, hence redrawn and paid vide cheque dated 30.03.2005. This fact has not been disputed by the applicant and, therefore, I am unable to appreciate as to how the applicant could be allowed interest in such a situation. If the said amount of Rs.14,577/- on account of difference of revised leave encashment is ignored, then the only amount which had been belatedly paid to the applicant was Rs.2,906/- and Rs.5,000/- in terms of columns 6 and 7 of the aforesaid due drawn statement. It is an admitted fact that the applicant has been paid a sum of Rs.3167/- as interest.

3. As far as the action to be initiated for fixing responsibility for any lapses of the concerned officials with regard to the other persons who had over stayed in the hostel accommodation is concerned, I may note that the Tribunal did not make any direction or observation to take or not to take any such step in the order dated 31.08.2005. I may also note that the observation noticed about the equality claimed etc. had not been the observation made in the order dated 31.08.2005, but were part of the order dated 3.09.2003. Similarly, it was not the direction of the Tribunal vide order dated 03.09.2003 that the licence fee/damage rent on account of over-stayal in the hostel accommodation cannot be recovered from the applicant.

4. The scope and ambit of Order 47 Rule 1 of CPC is limited as held by the Hon'ble Supreme Court in **Meera Bhanja vs. Nirmala Kumari Choudhury** [(1995) 1 SCC 170], on the said subject, which reads as under:

"But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court.

An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. Where an alleged error is far from self-evident and if it can be established, it has to be established, by lengthy and complicated arguments, such an error cannot be cured by a writ of certiorari". (emphasis supplied)

5. Under the garb of present RA, the applicant has made an attempt to re-argue the entire case, which is not within the scope of Order 47 rule 1, CPC read with Section 22 (3)(f) of the Administrative Tribunals Act, 1985.

6. Finding no error apparent on the face of record, the present RA is dismissed.

  
 (Mukesh Kumar Gupta)  
 Member (J)