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**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

R.A. No. 279/2012  
M.A. No. 2604/2012  
O.A. No. 2342/2004

New Delhi, this the 31<sup>st</sup> day of October, 2013

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)**  
**HON'BLE MR. V.N. GAUR, MEMBER (A)**

1. Govt. of NCT of Delhi & Others,  
Through Commissioner of Police,  
PHQ, I.P. Estate, New Delhi.
2. Joint Commissioner of Police,  
New Delhi Range,  
PHQ, I.P. Estate, New Delhi.
3. DCP (North-East Distt.),  
Through Commissioner of Police,  
PHQ, I.P. Estate,  
New Delhi.

.. Review Applicants

(By Advocate : Mrs. Rashmi Chopra)

Versus

Kunwar Pal Singh,  
ASI in Delhi Police,  
(PIS No.28640069)  
R/o 0-1/1 Police Colony,  
Andrews Ganj,  
New Delhi-110049.

.. Respondent

(By Advocate : Shri Anil Singal)

**ORDER (ORAL)**

**By Hon'ble Mr. V. Ajay Kumar**

Heard both the sides.

2. MA 2604/2012 seeking condonation of delay, in the interest of justice and for the reasons mentioned therein, is allowed.

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3. The present review application is filed seeking review of order dated 11.08.2005 in O.A. No.2342/2004. The original applicant filed the O.A. impugning the order of the respondents dated 06.09.2004, whereby while deciding the suspension period, which is ordered to be treated as 'spent on duty', the applicant has been denied travelling allowance, washing allowance, conveyance allowance, special pay as one month's extra pay for the said period. The respondents have filed their counter and contested the matter on merits. This Tribunal, after elaborately hearing both the sides, partly allowed the OA by granting washing allowance, conveyance allowance and special pay except travelling allowance with 9% interest per annum.

4. The respondents initially preferred W.P. (C) No.20358-60/2005, but when, after some arguments, the learned counsel for the writ petitioners, on instructions, sought to withdraw the Writ Petition with liberty to approach the Tribunal for seeking review on the ground that some facts have come to their notice, the Writ Petition was permitted to be withdrawn with liberty as prayed for, in accordance with law, vide order dated 31.03.2011 of the Hon'ble High Court of Delhi. Hence, the present review application.

V-7-annex

5. Mrs. Rashmi Chopra, the learned counsel appearing for the review applicants, submits that the issue involved is treating the suspension period as 'spent on duty', and while treating the same, the respondents have rightly denied certain allowances, such as, travelling allowance, washing allowance, conveyance allowance and special pay as the original applicant has not physically worked during the said period. The learned counsel further submits that this Tribunal, in spite of objection raised by the review applicants, has erroneously granted washing allowance, conveyance allowance and special pay, though accepted the contention of the review applicants so far as the travelling allowance is concerned.

6. The learned counsel for the review applicants further submits that awarding interest on the allowances, which were granted, is also bad in law.

7. The Hon'ble Apex Court in **Ajit Kumar Rath v. State of Orissa and Others** - (1999) 9 SCC 596 held that "power of review available to the Tribunal under Section 22(3)(f) is not absolute and is the same as given to a Court under S. 114 read with Order 47 Rule 1 of CPC". It has further held that "the scope of review is limited to correction of a patent error of law or fact which stares in the face, without any elaborate argument being needed to establish it" and that "exercise of

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power of review on a ground other than those set out in Order 47 Rule 1 amounts to abuse of liberty granted to the Tribunal and hence review cannot be claimed or asked merely for a fresh hearing or arguments or corrections of an erroneous view taken earlier.”

8. In **Union of India v. Tarit Ranjan Das**, - 2004 SCC (L&S) 160 – the Hon’ble Apex Court held that the scope of review is rather limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits.

9. In **State of West Bengal and Others v. Kamal Sengupta and Another** – (2008) 8 SCC 612 – the Hon’ble Apex Court after referring to **Ajit Kumar Rath’s** case (supra) held that “an order or decision or judgment cannot be corrected merely because it is erroneous in law or on the ground a different view could have been taken by the Court/Tribunal on a point of fact or law and while exercising the power of review the Court/Tribunal concerned cannot sit in an appeal over its judgment/decision.”

10. No new fact or law, which were in existence as on the date of disposal of the O.A. but could not be placed on record

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or argued, inspite of due diligence by the review applicants is now placed on record or argued. Ultimately, the contention of the learned counsel for the review applicants is that this Tribunal had erroneously passed the order dated 11.08.2005 in OA 2342/2004, which cannot be a valid ground for entertaining the review as per the settled law as aforesaid.

11. In the circumstances, since the review applicants failed to raise any valid ground for invoking the review jurisdiction by this Tribunal, the same is dismissed. No order as to costs.

*V.N. Gaur*  
(V.N. GAUR)  
Member (A)

*V. Ajay Kumar*  
(V. AJAY KUMAR)  
Member (J)

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