

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

New Delhi this the 17th day of January, 1994.
R.A.No.6/94

in

O.A.No.2088/92

CORAM

Hon'ble Mr.S.R.Adige, Member (A)

R.P.Govil s/o Shri Late Shyam Lal Govil,
r/o 73, Shanti Vihar, Delhi -92.

By Advocate Shri Inderjit Sharma

Versus

.....Applicant

1. Secretary(Education),
Delhi Administration,
Old Secretariat, Delhi.

2. Director of Education,
Delhi Administration,
Old Secretariat,
Delhi

.....Respondents

By circulation:

ORDER

This is an application dated 3.1.94 filed
by Shri R.P.Govil praying for review of this
Tribunal's order dated 23.11.93 in O.A.No.2088/92
'Shri R.P.Govil Vs. Secretary(Education) & another'.

2. The main ground taken in this review
application is that there is an error apparent on
the face of record, in as much as the applicant
was entitled to interest at the rate of 12% per
annum on the gratuity amount Rs 74,250/- from
29.2.93 to 4.10.93, which the Tribunal had perhaps
inadvertently omitted to mention in its order
dated 23.11.93.

3. It is made clear that in the order dated
23.11.93 interest had been directed to be paid
only on unpaid leave salary, unpaid arrears of
pension and unpaid commuted value of pension
with effect from the date of retirement i.e. 28.2.92,
or the date of application made to the concerned
authorities by the retiree, (fully supported by

all the necessary clearances as was required to furnish), whichever was later, till the date of actual payment. As admittedly the applicant was paid his DCRG on 4.10.93, that is well before the date of the judgment, no interest was ordered to be paid on this sum. This decision was not taken on the basis of any error or inadvertence, but was taken consciously and after full consideration of the facts and circumstances as averred in the rival pleadings. The applicant has referred to a Kerala High Court Judgment said to have been published in The Hindustan Times dated 25.11.93 in support of his contention, but in the absence of any citation, reliance cannot be placed on a purported news-paper cutting.

4. Under Order 47 Rule 1CPC., a decision/judgment/order can be reviewed only if;

- i) it suffers from an error apparent on the face of the record;
- ii) new material or evidence is discovered which was not within the knowledge of the parties or could not be produced by that party at the time the judgment was made, despite due diligence; or
- iii) for any sufficient reason construed to mean analogous reason.

5. As none of the ingredients noted above, have been made out to warrant review, this application fails and it is dismissed.

Arulajan
(S.R. ADIGE)
MEMBER(A)

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