

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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1/R

R.A. 9/93

M.P. 62/93 in C.A. 2134/92

DATE OF DECISION : 28.1.93

Shri R.K. Gaur Vs. Union of India and Another

O R D E R

The Review application has been filed by the petitioner against the judgment dt.30.10.1992 passed in OA 2134/92 in which the petitioner has claimed certain retirement benefits. The present Review Application is barred by limitation and MP 62/93 has been moved for condonation of delay supported by an affidavit. In the MP for condonation of delay, the petitioner deposed in the affidavit that he received the copy of the judgment on 30.11.1992, hence the delay in filing the Review Application. It is apparent from the deposition made by the petitioner that the delay caused in filing the Review application was beyond the control of the petitioner and in view of this fact for the reasons given in MP 62/93, the delay in filing the Review Application is condoned and the Review Application is being disposed of on merits.

2. As provided by Section 22(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/judgment/order can be reviewed :

- (i) if it suffers from 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 judgment was made, despite due diligence; or
- (iii) for any other sufficient reason construed to mean 'analogous reason'.

3. In this Review Application, the petitioner has again reasserted his claim for salary for 7 days, i.e., from 1.11.1988

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to 7.11.1988. This claim has been rightly disallowed as the applicant has not claimed the same when the salary became due to the petitioner or by way of amendment in an earlier OA No.2050/89 which he filed for correction of date of birth, which was finally disposed of against the petitioner by the order dt.20.1.1989. The claim for bonus of the petitioner for the year 1988-89 has also been disallowed obviously on the same ground that the claim is barred by limitation. The judgment under review has adequately dealt with the matter which the petitioner wants to re-agitate by fresh arguments. The applicant/petitioner cannot reopen the whole case and place again the same arguments which have already been considered by passing the judgment in the OA.

4. Paras 11 to 22 of the RA deal only with fresh arguments on the claims, prayed for, in the OA for the grant of DCRG and retention of the Railway quarter even after the date of superannuation which the applicant reached on 1.11.1988. The petitioner has been in continuous retention of the said quarter. The petitioner has referred to the Full Bench decision in Wazir Chand's case. He has also referred to the judgment of the Hon'ble Supreme Court in Shiv Charan's case, reported in 1992 (19) ATC p-129. In the judgment itself, reference has been made to another judgment of the Hon'ble Supreme Court in the case of Raj Pal Wahi (SLP 7688-91/88) decided on 27.11.1989. The matter has been fully dealt with in the judgment on the basis of the authorities referred to above. There is no scope to reconsider the same and there is no error apparent on the face of the judgment. The Review Application is, therefore, devoid of merit and is dismissed.

28.1.93 J. P. SHARMA
(J.P. SHARMA)
MEMBER (J)