

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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R.A. No. 12/93
in
O.A. No. 66/92

Date of decision 20/1/93

SHRI PREM PAL CHADHA & ORS.

Vs.

UNION OF INDIA & OTHERS

In this Review Application filed against judgement dated 9.12.1992 in O.A. No. 66/92, the applicant has prayed for review of the judgement so as to include retrospective monetary and all other benefits relating to ad hoc promotions and the period prior to 27.2.1976 along with interest of arrears. The main contention of the petitioner is that the retrospective benefits and the arrears of ad hoc promotions under next below rule should be admissible in accordance with the judgement in the case of Union of India v/s K.B. Jankiraman [1991(4) SCC 109].

2. We have already stated in the judgement dated 9.12.1992 that, according to the averment made by the Learned Counsel for the respondents, the applicants have been given notional promotion in accordance with

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their original seniority with effect from the date it was due and their pay has been fixed giving benefit of the notional promotion even though they had not worked during this period on the higher post nor on the lower post, even arrears of bonus had been paid along with arrears of pay and allowances for the period of suspension. The reason for non-payment of arrears in regard to ad hoc promotion of any ^{junior} ~~senior~~, the judgement discusses in para 8 as to why the applicant cannot claim any benefit. The exigency of public service for which ad hoc promotion was given cannot be ^{met} ~~made~~ retrospectively nor can any stop gap arrangement be. The applicants were made entitled to pay and allowances including arrears from the dates they ^{had} ~~have~~ been given regular promotions notionally.

3. There are definite limits to the exercise of the power of review. It may be exercised where some mistakes or error apparant on the face of the record is found. It may also be exercised on the discovery of new and important matters or evidence which after the exercise of due diligence was not within the knowledge of the

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person seeking the review or could not ^{be} produced.

by him at the time when the order was made. It may also be exercised on any analogous ground. But it may not be exercised on the ground that the decision was erroneous on merit. That would be the province of ^a court of appeal.

4. We do not see sufficient cause for reviewing the order already made. The Review Application is, therefore, dismissed.

I.P. Gupta
I.P. Gupta 20/1/93
Member (A)

Ram Pal Singh
Ram Pal Singh
Vice-Chairman (J)