

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A.No.84/93 in OA No.1521/92

DATE OF JUDGEMENT: 30-3-1993

BETWEEN:

Shri J.S. Bisht .. Applicant

vs.

Delhi Administration .. Respondents

Counsel for the applicant .. Applicant in person

Judgement delivered orally by Hon'ble Mr. C.J.Roy,
Member(Jul)

This Review Application is filed by the applicant
claiming interest on the delayed payment of his retiral
benefits. The applicant has raised all the points
which have been raised in his OA No.1521/92 and decided
by this Tribunal on 22.1.1993 as follows:

"In the conspectus of above facts, and in the
above view of the matter, the respondents are
directed to release full retiral benefits to
the applicant as due at an early date, pre-
ferably within a period of 3 moths from the
date of receipt of a copy of this order. In
the facts and circumstances of the case, the
bench is not inclined to grant any interest
on late payment"

2. A conscious decision has been given by this
Tribunal after considering all the points raised
by the applicant for the delay in payment of retiral
benefits and disallowed payment of interest speci-
fically. This review is not a revision, nor an appeal
nor reurging the same points emphatically.

3. Under Order 47, Rule 1 of CPC, a review is maintainable only when the parties were not able to produce any material at the time of hearing with due diligence but later on they are produced, if there is any mistake apparent on record and for any specific reasons.

4. Besides the hon'ble Supreme Court in AIR 1975 SC 1500 held that "the review of a judgement is a serious step and reluctant resort to it is proper only where the glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility....".

5. I do not see any mistake apparent on the decision passed by the Tribunal denying payment of interest on the delayed payment of retiral benefits to the applicant. The time granted by the Tribunal to the Respondents is not completely over for the payment of retiral benefits and the applicant has filed a review even before this period, claiming interest again. Besides, all the points raised by the applicant and considered by the Tribunal, are again raised by way of a review in order to circumvent so as not to fall within the mischief of resjudicata.

6. The applicant here has again raised the same ground without any notice that his gratuity and other retiral benefits are withheld, that the respondents have not considered his claim and that there was a delay thereby resulting in miscarriage of justice. This is more or less an argument but not a mistake apparent on record.

(12)

7. In view of the conscious decision given by the Tribunal, I am persuaded that the applicant has failed to make out a case for payment of interest. I do not consider there is any mistake apparent on the decision given by the Tribunal.

8. In the circumstances, the review application is dismissed with no orders as to costs.

W. Roy
(C.J. Roy)
Member (J)