

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

R.A. 187/94
in OA No. 2272/1992

New Delhi, dated the 29th May, 1995

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Union of India & Others

1. Director of Horticulture
(Central Public Works Department)
Indraprastha Estate,
New Delhi-2
2. Union of India through Secretary,
Secretary,
M/o Urban Development,
Nirman Bhawan,
New Delhi.
3. Union of India through Secretary
Department of Pension and Pension Welfare,
6 Floor, Nirvachan Sadan, Ashok Road,
New Delhi-1
4. Pay and Accounts Officer
Central Public Works Department,
11nd Floor, I.P. Bhawan,
Indraprastha, New Delhi.2

... Applicants

(By Shri S.K. Sinha, proxy counsel for
Shri Jog Singh, counsel for the applicant)

Vs.

Shri M.S. Ginti, Curator
s/o Shri T.S. Ginti,
School of Life Science
Jawahar Lal Nehru University
New Mehrauli Road, New Delhi-67

(By Advocate Shri G.D. Bhandari) ... Respondent

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

This is a review application bearing No. 187
in OA No. 2272/92 filed by the applicants.

2. Heard the learned counsel for the applicants,
Shri S.K. Sinha, proxy counsel for Shri Jog Singh (Original
respondents) and Shri G.D. Bhandari, counsel for the
respondent (Original applicant). In the judgment in

DA 2772/92, the following directions have been given:-

"Therefore, the only direction required is that the Pay & Accounts Officer of the CPWD(NDZ) may be directed to consider the application of the petitioner for the withdrawal of some amount from the said account. Such a direction in my opinion, will steer clear of the controversy as to whether the petitioner ceased to be an employee of the Directorate of Horticulture. I, accordingly direct the Pay and Accounts Officer (respondent No.4) to consider the application of the petitioner, if given, and sanction such amount to the petitioner from his Provident Fund Account No. NDZ 3535 as is permissible under the law."

3. Heard the learned counsel for the applicants in R.A. He submits that the direction given to the respondent No.4 cannot be acted upon by him without prior sanction of the Administrative Ministry/Office which in this case is Directorate of Horticulture, C.P.W.D. (Respondent No.1). He, however, confirms that both respondents 1 and 4 come under the Administrative Control of respondent No.2 i.e. Ministry of Urban Development. Under the circumstances, the applicant states that there is an error apparent on the face of the record which need to be rectified and this application should be allowed. He states that judgment dated 2-12-1993 is erroneous and the order passed for payment of GPF in part/final withdrawal to the applicant by the respondent No.4 may be set aside.

4. Shri G.D. Bhandari, counsel for the respondent (original applicant) has opposed the review application on two main grounds. First is on the ground of limitation and 2nd on the ground that this very matter has been fully argued before the judgment dated 2.12.93 had been pronounced. He states that originally, the applicant was an employee of the CPWD till 1987 when he was transferred to the Jawahar Lal Nehru University. He has also pointed out

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that respondent No.4, namely, Pay and Accounts Officer (CPWD) is, in fact, the person to sanction withdrawal of the GPF of the applicant. He, therefore, urges that R.A. may be dismissed.

5. After carefully considering the arguments of both the learned counsel and perusing the records in this case, I see no error apparent on the face of the judgment, ^{justifying} ~~for~~ any interference in this case as prayed for in the R.A. It is also time barred and no sufficient reasons have been given for the delay.

6. In the result, RA fails and it is accordingly dismissed. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

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