

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI**

C.A. No. 329/92 In
O.A. No. 286/92
T.A. No.

199

(23)

DATE OF DECISION 30.9.93

Shri B.L. Dashawar

Petitioner

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. J.P. Sharma, Member (Judl.)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT

(~~affixing stamp~~ by Hon'ble Mr. J.P. Sharma,
 Member)

The applicant filed the above O.A. in February, 1992, having a grievance of non-payment of foreign allowance for the period from 14.10.1988 to September, 1989. The aforesaid application was decided by the judgement dated August 13, 1993 holding that the application is barred by limitation and also devoid of merit.

2. Aggrieved by the aforesaid order, the applicant has filed this R.A. and in the grounds, he has

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(54)

repeated the same arguments which have already been considered in the judgement under review. He has made the prayer that a direction be issued to the respondents to grant the applicant daily allowance, etc. in place of Foreign Allowance, etc., after quashing the terms and conditions contained in Government of India, Ministry of Defence (F.D.) letter dated 6.10.1988 and part II of Office Order No.367 dated 12.12.1988 after reviewing the aforesaid judgement.

3. In the fresh arguments raised in the review application, the applicant has tried to justify that his claim has been within limitation. However, the matter has already been covered in the judgement in paras.3 and 4. The support to the reasoning given in the judgement has been drawn from the case of S. S. Rathore Vs. State of M.P. reported in A.I.R. 1990 S.C. 10. The fresh arguments raised now cannot reopen the case and they have almost been considered in the aforesaid paragraphs.

4. The application was also considered on merits. The applicant has again referred to the fact that his transfer to Sri Lanka was a temporary one on deputation to Colombo and, therefore, he is entitled to Daily Allowance as laid down in Appendix VI to Swamy's

Compilation of FRSR, Part I, General Rules. This legal position has also been discussed in para.5 of the judgement. The applicant has accepted the terms and conditions of appointment to Sri Lanka and now on having completed his tenure and within three years after that, desires that the terms and conditions be quashed as violative of Articles 14 and 16 of the Constitution. When the applicant has drawn the benefit from those terms and conditions of service of deputation, he cannot assail the very basis of his posting to Sri Lanka on deputation. This matter has also been covered in para.5 of the judgement needs no further elucidation.

5. The review of a judgement lies if there is an error apparent on the face of the judgement, which is not the case here and also where the important piece of evidence has escaped the notice of the petitioner when the case was disposed of and that too is not a ground for review in this case. Thus, the review application is misconceived. The same is, therefore, dismissed. *by circularisation*

J. P. Sharma
30.9.83
(J. P. Sharma)
Member (J)