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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

R.A.No.381/93 in O.A.No.119/92.

New Delhi, this the 28th day of January, 1994.

SHRI J.P.SHARMA, MEMBER(J).
SHRI S.R. ADIGE, MEMBER(A).

Union of India
Through

1. The General Manager,
Northern Railway,
Baroda House,
NEW DELHI - 110 001.
2. The Divisional Railway Manager,
Northern Railway,
MORADABAD. ...PETITIONERS

(By Advocate: Sh. Romesh Gautam)

VERSUS

1. Shri Sheoraj Singh,
C/o. Shri B.S. Maine,
Advocate,
240, Jagriti Enclave,
Vikas Marg,
DELHI -110 092. ...RESPONDENT

O R D E R (ORAL)

SHRI J.P.SHARMA :

Union of India has filed this review application aggrieved by the judgment dated 2-4-93 passed in O.A. No.119/92 by which directions were issued to the respondents as follows :

- " (a) The respondents are directed to pay the balance amount of DCRG to the applicant of Rs.5,594/- along with 10% interest from one month after the retirement till the date of payment.
- (b) The respondents are also directed to pay interest on the amount earlier paid on 1.12.1990 at the rate of 10% from one month after the retirement of the applicant till the date of payment.
- (c) In case there is an order of the competent authority passed in the disciplinary proceedings under para 2308 of the Railway Establishment Code Volume -II/rule 312 of the Railway Pension Rules, 1950, then the respondents shall be free inspite of the above directions to enforce that order as per extant rules. "

contd...2.

2. The review application, however, has been filed not within the prescribed period and so M.P.3203/93 has been filed for condonation of delay. There is a delay of about four months in filing this review application. The petitioner has filed an affidavit stating the ground which prevented the review applicant to file the review application within the prescribed statutory period. No objection has been filed to the petition. However, also we find that there is sufficient and reasonable ground to condone the delay. M.A.3203/93 is, therefore, allowed and R.A. is taken in time.

3. There is another M.A. 3205/93 — by the review applicant for summoning the records. The record is available along with the file. The M.A. 3205/93 is, therefore, disposed of accordingly.

4. None appears on behalf of the respondents though on earlier occasion, Shri Madhok appeared for the opposite party. The first contention of the learned counsel for the applicant is that a reading of para 4 and para 5 of the judgment gives an impression about certain observations made for the withheld amount of DCRG. What is stated in these paragraphs of the judgment is the rival contentions of the parties. On behalf of the respondents, it was urged that there is an order of 30% cut in the DCRG while on behalf of the original applicant, it was argued that no such order has been communicated and that any such order is arbitrary and without authority.

contd...3.

21

5. A review against an order lies on analogous ground mentioned in Order 47, Rule 1 CPC, i.e., when there is an error apparent on the face of the judgment; any important evidence having bearing on the decision of the case could not be placed on record with due diligence by the aggrieved party at the time of hearing and has been discovered subsequently which shall be a material evidence for reviewing the judgment and lastly on analogous grounds.

6. We don't find any error on the face of the of the order under review. The directions given in para 7, which have already been referred to in the earlier part of this Order, are clear and specific. The application for review, therefore, has no merit and is dismissed.

Arif Ali

(S.R.ADICE)
MEMBER(A)

J.P.Sharma

(J.P.SHARMA)
MEMBER(J)

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