

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
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Date of Decision : 23.12.92

RA 387/92 in OA 2134/92  
Union of India & Ors. Vs. Shri R.K. Gaur

ORDER

Union of India has filed this Review Application against the judgment dt. 30.10.1992 in OA 2134/92. Shri R.K. Gaur, the applicant of that case retired w.e.f. 1.11.1988 as Head Clerk, Northern Railway and filed the application for the redress of his grievance of non payment of pension, gratuity and commutation of pension etc. The applicant of that case was also in possession of a Railway Quarter No.15/8 Kishan Ganj, Railway Colony. Before retirement, the applicant also filed OA 2050/88 for correction of his date of birth which was decided on 20.1.1989 and the applicant on the basis of the interim order granted continued to work beyond the age of superannuation till 7.11.1988. He also prayed for the grant of salary from 1.11.1988 to 7.11.1988. The application was disposed of by the judgment dt. 30.10.1992 desired to be reviewed by the respondents-Union of India and applicant in the Review Application. The respondents in the above OA inspite of the time allowed did not file any reply and the matter was ordered to be listed on 27.10.1992 for further directions and final disposal. In the Review Application, the applicants (Union of India) stated that as certain clarification was required, the counter could not be filed within the time allowed despite exercise of due diligence by the respondents in the OA. It is, therefore, prayed that the judgment be reviewed.

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I have gone through the pleadings of the parties as well as various averments made in the Review Application. The applicants have only mentioned that the grounds for review of the judgment are covered under Order XLVII of the CPC. However, it has not been pointed out that there is any error apparent on the face of the judgment. The averments in the Review Application only relate to an explanation of not filing the reply stating that the applicant himself is at fault in not filling up the pension papers and so he is not entitled to the grant of interest on the pension. There is nothing on record to justify the withholding of pension and in the case of ~~State of Kerala vs Padmanabhan~~ <sup>Ys.</sup> Union of India, reported in **AIR 1985 SC 356**, it is held that pension is not a charity and any delay in pension by administration would amount to non payment of dues which the retiree is entitled by virtue of having put longer years of service with the administration and the award of interest in such cases has been held to be justified.

As provided by Section 22(3)(f) of the Act, the Tribunal possesses the same powers of review as are vested in a Civil Court while trying a civil suit. As per the provisions of Order XLVII, Rule 1 of the Code of Civil Procedure, a decision/judgment/order can be reviewed :

(i) if it suffers from an error apparent on the face of the record; or

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(ii) is liable to be reviewed on account of discovery of any new material or evidence which was not within the knowledge of the party or could not be produced by him at the time the judgment was made, despite due diligence; or

(iii) for any other sufficient reason construed to mean "analogous reason".

The case of the applicant is not covered under any of the provisions of Order XLVII Rule 1 of CPC, quoted above.

In view of the above facts, the present Review Application is devoid of merit and is dismissed.

Sharma

(J.P. SHARMA) 23.12.92  
MEMBER (J)