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RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Review Application No.13-A of 1989

IN

T.A No.1593 of 1986.

Rishiwar Nath Gupta Applicant.

Versus.

Union of India & Others Respondents.

Hon'ble Ajai Johri, A.M.

Hon'ble G.S.Sharma, J.M.

By this application a review is sought of the orders given on January, 11, 1989 in T.A No.1593 of 1986 - R.N.Gupta Vs. Union of India. The grounds for seeking review of the judgment are that no decision has been given in respect of the interest, including pendentlite and future interest, and the claim of expenses incurred in the conduct of the suit as claimed by the plaintiff-applicant. It has been prayed by this application that the judgment may be reviewed to the extent that the costs of the suit and expenses incurred by the plaintiff-applicant towards correspondence and conduct of the suit be awarded and interest at 15% per annum till the date of actual payment be ordered to be paid to the plaintiff-applicant.

2. In suit No.826 of 1982 which was received on transfer from the Court of Additional Munsif, Agra, the dispute was in respect of payment of certain conveyance bills and T.A bills of the plaintiff-applicant and he had prayed for a decree in favour of the plaintiff against the defendants of Rs.4,800/- and future interest at 6% per annum as well as the cost of the suit. In our judgment given 2.1.1989 we had considered the claim of the plaintiff-applicant alongwith his claim of Rs.1000/- by way of damages

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and expenses incurred in correspondence , in the concluding para. We had said so -

"While we will not like to adjudicate on the amount that would be admissible to the plaintiff, we direct that the defendants should, within a period of three months from the date of receipt of these orders, finalise the claim and make arrangements for payment of the dues, as may be certified by the controlling officer when he sent the bills for payment to FA & CAO. If necessary, the defendants may take action to make the payment under their own special powers available to them in this regard. The application is disposed of in the above terms, parties, will bear their own costs."

In view of these observations made in the last para of the judgment, it is evident that the conclusion arrived at by this Tribunal was on the basis of the facts and circumstances of the case. Moreover, if contentions that are raised are not dealt with and a judgment is given, the remedy is neither a review nor a mention and a case cannot be reopened on this account. The only presumption that can be drawn is that the contention was either not argued or not pressed. The remedy would be preference of an appeal.

It is also noted that against 6% claimed in the original claim petition the applicant now wants interest at 15% per annum.

A review of the judgment can be asked only if there is a patent error of facts or law, to establish which, elaborate arguments are not needed. A review is also possible if any other sufficient cause is brought out by the applicant. We do not find any such ingredients in the review application. There is no glaring omission

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or error apparent on the face of record.

We, therefore, do not find that there is any valid ground to review our judgment and reject this application.

S. Narain
Member (J)

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Member (A)

Dt. ~~20.4.89~~ 20.4.89
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