

Reserved.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH (7)
ALLAHABAD

DATED: THIS THE 9th DAY OF JANUARY 1998

CORAM : HON'BLE MR. S. DAS GUPTA AM

Review application no. 39/95 in O.A.No.1446 of 1992

A.B.LALL SHIVASTAVA - - - - - Applicant
in person

Versus

Union of India & others - - - - - Respondents

Order

By Hon'ble Mr.S.Das Gupta AM

This application has been filed by the applicant in O.A.No.1446/92 seeking review of the judgment and order dated 27.1.1995 by which the said O.A. was dismissed. In the aforesaid O.A., the applicant sought a direction for addition of 20 percent of his deputation (duty) allowance which he was drawing for discharging function in the higher post of Accounts Officer in addition to his basic pay in the grade of Jr. Accounts Officer, as part of the emoluments for fixation of pay in the pay scale revised on the basis of fourth pay commission with effect from 1.1.1986. The various pleas were considered and the Tribunal came to the conclusion that the said deputation (duty) allowance could not be taken as part of the emoluments within the purview of CCS(RP) Rules 1986.

2. When the Review application came up for hearing, the applicant himself advanced his arguments. The respondents were represented by Sri A. Sthalkar.

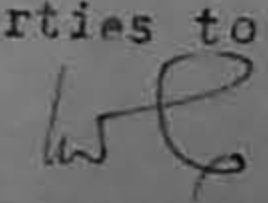
3. I have carefully considered the various submissions made in the Review application. At the outset, it must be stated that the judgment and order

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already pronounced can be reviewed only if it is shown to be suffering from any error apparent in the face of the record or if any new fact is brought out warranting review of the order already passed, provided such facts could not be brought out earlier despite exercising due diligence.

4. The various submissions made in the Review application actually seek to point out that ~~definite~~^{the} conclusion arrived at by the Tribunal was erroneous on merit. ~~Also~~^{Anyway} the Review applicant is trying to say that this was an error in the face of the record, I do not find it to be so. The entire record has been considered and while the ~~definite~~^{the} conclusion arrived at may be challenged by filing an appeal on the ground that it was erroneous on merit, it cannot be challenged on the ground that there was any error apparent in the face of the record. Thus the main ground for reviewing the order does not exist. What the Review applicant is really asking for is reappraisal of the entire pleadings ~~or~~ to arrive at a conclusion which would be favourable to him. Such an exercise obviously does not lie within the short compass of a review jurisdiction.

5. The applicant has also not brought out any new fact. He has mainly traversed the facts that were already on record through ~~his~~^{his} pleadings.

6. In view of the foregoing, I find no merit in this review application and the same is accordingly dismissed. Parties to bear their own costs.


MEMBER (A)