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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Review Application No. 51/8 of 1994

In

Original Application No. 1816 of 1992

Union of India and :::::::::: Applicants
Others

Versus

H.L. Gupta :::::::::: Respondent

Hon'ble Mr. Maharaj Din, Member (J)

The review application has been preferred under Rule 17(III) of the Central Administrative Tribunal(Procedure) Rules 1987 and under Section 22(f) of the Administrative Tribunal Act 1986 seeking review of the judgement dated 17.1.1994 of the O.A.No.-1816 of 1992 by which the application of the applicant was partly allowed and the relief which was granted to to the applicant reads as under;

"The application is partly allowed and the order dated 30.01.90 (Annexure-A-1) is set aside. The respondents shall, however, be at liberty to start the proceeding for making deduction from the amount of pension of the applicant as per rules and the amount which has already been deducted shall be so adjusted thereafter. If the sanction of the President of India about deduction of the amount from the amount of pension is not obtained within a period of six months from today, the amount which has already been deducted from the amount of pension, shall be refunded to the applicant.

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2. The order passed by this Tribunal has been sought to be reviewed on the ground that payment made towards DCRG and CVP constitute over payment as the applicant was not entitled to get the same, so the over payment which was made, was ordered to be recovered from the payment of his pension. The applicant in this review petition, thus, has alleged^a that the finding recorded^{of} by this Tribunal on this score are erroneous.

3. As provided by Rule 17(III) of Central Administrative Tribunal(Procedure) Rules 1987, 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/judgement/order can be reviewed:

- (i) if it suffers from an error apparent on the face of the record ; or
- (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 judgement was made, despite due diligence ; or
- (iii) for any other sufficient reason, construed to mean "analogous reason".

4. The grounds taken by the petitioner of the review application is not covered by any of the afore-said provisions. I also do not find any^{other} sufficient reason on justifying review of the judgement. Consequently the review application merits rejection and the same is hereby rejected as also barred by limitation.