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CENTRAL ADMINISTRATIVE TRIBUNAL? ALLAHABAD BENCH,
ALLAHABAD

Dated : Allahabad this the...^{6th} day of November 1995.

Review Petition No. 18/2/ of 1995.

in

O. A. No. 1753 of 1994.

QUORUM :- Hon. Mr. T. L. Verma, Member-J.

Dr. Sunilk Kumar Srivastava, s/o. Sri O. P.
Srivastava, R/o. 30/27-B, Karanpur Prayag, Allahabad
at present posted as Botanist in Botanical Survey
of India, Central Circle, 10 Chatham Lines,
Allahabad.....Applicant.

Versus

1. Union of India through the Secretary,
Ministry of Science and Technology,
Government of India, New Delhi.
2. The Director General,
Council for Scientific and Industrial Research,
Rafi Marg, New Delhi.
3. The Director, Central Drug Research Institute,
Chhatar Manzil, Lucknow. 226001.

....Respondents.

ORDER

(By Hon'ble Mr. T. L. Verma)
Member-J.

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This application has been filed to review
order dated 16.12.1994 passed in O. A. No. 1753 of
1994.

2. The aforesaid O.A. was filed for issuing a direction to the respondents to pay arrears/emoluments as per revised rate in accordance with the office memorandum dated 26.5.1988 and 5.7.1988 for the period from 1.4.1987 to 13.7.1989 with interest @ 24% per annum till the date of payment. The aforesaid application was dismissed at the admission stage on the ground that the applicant was not holder of Civil post and as such the application was not maintainable.

3. The review of the order has been sought on the ground that the application (O.A.No.322/92) of one Sirajuddin Ahmad, who was working as Research Assistant in a scheme under the C.D.R.I. was entertained by this Bench of Tribunal and disposed of vide order at Annexure-1. In yet another case (O.A. No. 788/93) similar application was entertained by a Bench of this Tribunal and the same was disposed of by judgment and order dated 24.6.94 (Annexure-II). Similarly, Lucknow Bench of this Tribunal has taken cognizance of similar cases in O.A.No.151 of 1995 and 18/2.95 passed interim order on 25.4.95 and 28.4.1995 respectively.

4. Review applications are maintainable for rectifying errors apparent on the record or where evidence, which, after the exercise of due diligence, was not within the knowledge of the person seeking the review or could not be produced by him at the time when order was passed. Learned counsel for the applicant has failed to bring to my notice mistake or

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error apparent on the face of the record as may warrant, review of the order dated 16.12.1994. The judgments Annexures I and II were available for being cited at the time of the order was passed. The learned counsel for the applicant could have cited the ^{aforesaid} judgments in support of his contention ^{at the order dated 16.12.94 was passed}. So far orders at Annexures No.3 and 4 are concerned, they have been passed after order sought to be reviewed was passed. The judgment and order relied upon by the learned counsel for the petitioner, in my opinion, are of no avail to the petitioner.

5. The applicant was awarded Research Associateship. According to the terms of award, He was to receive Rs. 1400/- per month as stipend under N.I.H. Scheme for a period of one year or the duration of the scheme whichever was earlier. The nature of appointment of the applicant as Research Associate as indicated in the brochure referred in order dated 16.12.94 leaves no room for doubt that the Research Associate do not hold the civil post. I have no reason to revise the aforesaid opinion while considering the review application. In any view of the matter, review jurisdiction can not be invoked on the ground that the decision was erroneous on merits. The grounds taken by the petitioner in this review application in substance suggest that the decision is erroneous and the application should be decided afresh on the basis of the grounds given in the Review application, noted above. I find no merit in this application and dismiss the same. There will be no order as to costs.

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vkp/-

Sh. Verma
Member-J.