

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Review Application No. 20 of 2002

In

Original Application No. 976 of 1999

Allahabad this the 11th day of April 2002

Hon'ble Mr.C.S. Chadha, Member (A)

Executive Engineer

Construction Division-II

P.W.D., Gaziabad, U.P.

Applicant

By Advocate Shri K.P. Singh

Versus

Ram Kumar Goel

Respondent

Shri S. Srivastava

O R D E R

By Hon'ble Mr.C.S. Chadha, A.M.

This review application has been filed against the order passed by me in the O.A.No.976 of 1999 on 22.01.2002. It had been directed that the applicant in that O.A. be paid all the dues as sanctioned by the Accountant General on 27.04.1998 forthwith, and an interest at the rate of 18% be paid from the date of sanction till the date of payment. In view of the fact that 12% interest had already been paid for some part of the delay, interest of an additional 6% was directed to be paid. It was also directed that the Principal Secretary, P.W.D., Govt. of U.P. may have an inquiry conducted into

the causes of delay and fix responsibility for the delay. Further it was also laid down that the interest payable should be recovered from the person found guilty of the delay in such inquiry conducted at the behest of the Principal Secretary P..W.D. In this review petition, the deponent namely Navin Kumar, Executive Engineer Construction Division II, P.W.D. Ghaziabad has stated that he was not guilty of the delay. The delay is also explained by the deponent who, tried to show that he is not guilty, and that interest at the rate of 12% had already been given and, therefore, interest of justice will be met if further 6% is not awarded.

2. In a review petition all that needs to be done is to see whether in passing the original order there have been certain oversights of facts or points of law which are apparent on the face of the record. In such a case, a clerical mistake or some mistake which is easily apparent, which ⁶⁺⁸ has led to some miscarriage of justice, can be corrected. I find that in the review application no such mistake has been shown. The fact whether Shri Navin Kumar is guilty of delay, or not, is ^{not} the concern of this Court. It is for the Principal Secretary, Government of U.P. who was directed to have an inquiry conducted to fix the responsibility for the delay to find out who is responsible and whether Shri Navin Kumar alone or others are also responsible and to take necessary action. The Court did not direct the recovery of additional rate of interest from Shri Navin Kumar but merely stated that it should be recovered from

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the person/persons responsible for such delay and it is therefore left to the Principal Secretary P.W.D. to decide who is guilty of the delay. Therefore, there seems to be no apparent reason to interfere with/alter the orders issued in this O.A. on 22.01.2002.

3. Although it is not relevant with the review petition, ~~but~~[&] I am constrained to observe that the deponent-Navin Kumar has gone at length to explain why the delay took place and that he himself was not responsible. The order of this court dated 22.01.02 clearly shows that the respondent~~s~~ had not even bothered to file the counter affidavit despite being given several opportunities in this regard. Therefore, the deponent's claim that he was not aware of the proceedings, is also not tenable.

4. In view of the facts that no such mistakes which are apparent on the face of the record have been brought to the notice of this Court, the review petition is rejected. The order issued in this O.A. be implemented forthwith.



Member (A)

/M.M./