

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

R.A.103/2004
In O.A. 356/2000

Lucknow this the 8th April 2005
HON. SHRI M.L. SAHNI, MEMBER (J)

1. Ganesh Prasad Asthana aged about 50 years resident of B-2374, Vishal Khand-2, Gomti Nagar, Lucknow.
2. Radhey Shyam Asthana aged about 48 years, resident of 11/A-2 Badshah Nagar Railway Colony Lucknow.
3. Bhola Nath Asthana aged about 52 years resident of 3/333, Vishal Khand-3, Gomti Nagar, Lucknow.
4. Ram Kumar Asthana aged about 39 years resident of 1/667, Vishal Khand-1, Gomti Nagar, Lucknow.

All sons of late Kailash Behari Asthana

Applicants.

(In Misc. App No. 1214/203 in O.A. 356/2000)

Kailash Behari Asthana

...Applicant

Vs.

Union of India and others

...Respondents

Order

By Shri M.L. Sahni Member (J)

1. The applicants of the present Review application have sought review of the order dated 18.1.2002, by which the Original application was dismissed as in-fructuous on the statement of the learned counsel for the applicant himself.
2. In the Review application the applicants have stated that their father (applicant I the O.A.) had received arrears of pension but the interest on delayed pension has not been paid.
3. I have heard the learned counsel for the parties and have perused the pleadings on record.
4. During the course of the arguments the learned counsel for the applicant vehemently argued that the applicants are entitled to interest @ 18% on delayed payment of pension and therefore, the same may kindly be awarded to the applicant. He also argued that there was error apparent on the face of record by the Tribunal by not awarding interest on the delayed amount of pension.
5. The scope of review is well settled in ***Meera Bhanja (Smt.) vs. Nirmala Kumari Choudhury (Smt.) (1995) 1 SCC, 170 and Parsion Devi and others vs. Sumitri Devi and others (1997) 8 SCC, 715.*** It was laid down in these judgments by the Hon'ble Supreme Court that the review proceedings are not by way of

appeal and have to be strictly confined to the scope and ambit of order 47, rule 1 of the C.P.C. The Review has to be entertained only on the ground of error apparent on the face of record and not on any other ground. The error apparent on the face of record must be such an error which must strike one on mere looking at the record and would not require any long drawn process of reasoning on points where there may conceivably be two options. It is further stated in Parsion Devi (supra) that there is a clear distinction between the erroneous decision and error apparent on the face of record; while the first can be corrected by the higher forum, the latter only can be corrected by exercise of review jurisdiction. The review petition has a limited purpose and cannot be allowed to be "an appeal in disguise." Reference may also be made to a receipt judgment in **(2003) 11 SCC, 568 in re Union of India & others vs. Tarit Ranjan Das** on the subject.

6. In view of the above dictates of law clearly laid down by the Hon'ble Supreme Court, I find myself unable to be persuaded by the grounds taken in the review, that the errors pointed out in the order are such which entitle the applicant to get impugned order recalled for being reheard. Hence the Review petition is found meritless and is dismissed.


(M.L. SAHNI)
Member (J)

s.a.