

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

**Review Application No.40/2006
In
Original Application No.492/2005
This the 6th day of September 2007.**

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

Raj Karan ...Applicant.
By Advocate: Shri A.C. Misra.

Versus.

Union of India & Others Respondents.
By Advocate: Shri S.M.S. Saxena.

ORDER

BY HON'BLE MR. M. KANTHAIAH, MEMBER (J)

The applicant has filed this Review Petition against the order of the Tribunal Dt. 26th September 2006, dismissing the claim of the applicant for restoration of his pay at Rs. 4270/- at the time of superannuation.

2. The respondents have filed Counter opposing the claim of the applicant for review of the order on the ground that none of the ingredients are satisfied.
3. Heard both sides.
4. The points for consideration whether the applicant is entitled for the relief as prayed for.
5. The admitted facts of the case are that the applicant filed Original Application, aggrieved by the reduction of his pay Rs. 4270/- to Rs.4190/- on the date of retirement stating the at no notice was served and no opportunity was provided to him for such reduction. The respondents who contested the case stated that at the time of



promotion as Thermit Welder, the applicant basic was fixed at Rs. 1070/- w.e.f. 15.4.1988 instead of Rs. 1050/- and the said mistake was noticed at the time of final settlement after superannuation and thus corrected it as per Rule 15 of the Railway Services (Pension) Rules, 1993 and no notice is required to the applicant for such correction of mistake.

6. On perusal of the pleadings and after hearing the arguments of both sides, this Tribunal disposed the matter, with the result of dismissal of the claim of the applicant.

7. Now by way of Review application, the applicant sought review of the order of the Tribunal Dt. 26.9.2006 on the ground that such recoveries shall be made within three months before the date of retirement and also in support of his contention, he relied on some of the judgments. Thus, the applicant sought review of the order by way of reappraisal of the material on record and almost fresh hearing of the matter in an appeal.

8. No doubt, the petitioner is justified to seek review of the order of this Tribunal, if there is any error on the face of record or any new thing or fact discovered, which was not in his knowledge at earlier stage. But no such circumstances are prevailing in this case on hand are held and further, if the grounds raised by the applicant in the review are entertained, it will lead to the scope of appeal and as such there are no merits and justified grounds to entertain the claim of the applicant for review. Hence review application is dismissed. No costs.

(M. KANTHAIAH)
MEMBER (J)

06-09-2007

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