

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THE 25TH DAY OF NOVEMBER, 1988

Before

THE HON'BLE MR. L.H.A. REGO .. MEMBER(A)

REVIEW APPLICATION NO.109 OF 1988

Shri I.R.Prakash
S/o Late I.S.Raghavachar
45 years,
No.13, Vijayarangam Layout,
Basavanagudi, Bangalore-4. .. Applicant

(By Shri Ranganath S.Jois, Adv. for applicant)

-vs.-

1. The Director General
Telecommunication,
No.20 Samachar Bhavan,
Ashoka Road, New Delhi-1

2. The Superintending Engineer,
Postal Civil Circle,
No.176, I Main Road,
Old R.M.S. Building, I Main
Road, Seshadripuram, Bangalore-20.

.. Respondents

This Review Application coming on for
admission this day, Hon'ble Mr.L.H.A.REGO,
MEMBER(A), made the following:

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Order

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This is a striking case, where the applicant has been pertinaciously harping on the same grievance, before this Tribunal four times over, leading thereby to an irresistible impression that he is perhaps carried away by the dictum, dum spiro spero - while there is life there is hope - and by the motto of Robert Bruce, "Try try again", which is upto a certain point is understandable, but not thereafter, as otherwise, it would only imply, that the applicant is taking undue advantage of the process of the Court, as has happened in this case.

2. The following chequered course of this case is revealing in this respect. The review applicant working as Assistant Engineer(Civil) in the Telecom Department, which was his parent Department, was on deputation as Surveyor of Works(Civil) in the All India Radio (Civil Construction Wing), wherefrom, he retired voluntarily with effect from 31-7-1985.

3. As his terminal dues, inclusive of Provident Fund amount to his credit, were not paid to him, in time, by the respondents, he filed Application No. 418 of 1987 before this Tribunal with a prayer, that

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they may be directed, to make payment thereof to him, expeditiously, along with interest, for delay. A Division Bench of this Tribunal heard the matter on 18-9-1987 and directed the respondents, to settle all the terminal benefits of the applicant within the period specified, with an explicit direction, for payment of interest upto 28-2-1986, only in regard to the Provident Fund amount, to the credit of the applicant.

4. The applicant filed a Contempt Petition(Civil) No.57/88 before this Tribunal, alleging that the order of this Tribunal in Application No.418/87, was not faithfully complied with, by the respondents. A Division Bench of this Tribunal disposed of that contempt petition on 5-8-1988, dropping the contempt proceedings, stating, that the order of this Tribunal, in Application No.418/87 was complied by the respondents, both in letter as well as in spirit.

5. Yet aggrieved, the applicant filed another application bearing No.1186 of 1988, praying for a direction to the respondents, to pay admissible interest to him, on belated payment of DCRG, arrears of pension, commuted pension and leave encashment, on the ground, that there was no direction by this Tribunal, in Application No.418 of 1987, thereon. This application was heard by me and dismissed on 13-10-1988 as being hit by the bar of res judicata. Aggrieved with

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this decision, the applicant has approached this Tribunal through his present Review Application, under Sec.22(3)(f) of the Administrative Tribunals Act, 1985.

6. The main contention of Sri Ranganath S. Jois, learned Counsel appearing for the review-applicant is, that this Tribunal erred in observing, that the terminal benefits were directed to be granted without admissible interest and that it failed to take into account, the patent difference between the relief sought for in Applications Nos. 418/87 and 1186/88, and therefore the bar of res judicata does not apply to his client.

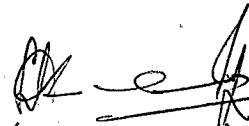
7. In fact, the very tenor of the Review Application reveals that the applicant desires that the evidence be reappraised and the case re-examined by this Tribunal on merits, by way of appeal. Such a course is clearly impermissible, as this Tribunal cannot substitute itself as a forum of appeal against its own judgment. It needs no emphasis, that the applicant cannot ~~not~~ take recourse, to the remedy of review of the order of the Tribunal, in the original application, as a matter of routine, merely with an object of correcting an allegedly erroneous view taken by the Tribunal therein, but only on the limited ground of rectifying a patent error of fact/law on the face of the record. This however, is not the case in the

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Review

Review Application before me, as all material facts and issues in the original application, were duly noticed and examined by me, before dismissing that application, by my Order dated 14-10-1988.

8. In the premises aforesaid, I find no merit in this Review Application and therefore dismiss the same, at the admission stage itself.


(L.H.A. REGO) 25-XI-88
MEMBER (A).

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