

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PREScot ROAD, BOMBAY-1

R.P. No. 28/96

in

O.A. No. 412/92

DATED: 14, FEBRUARY, 1996

Coram: Hon-Shri B.S. Hegde, Member (J)
Hon.Shri P.P. Srivastava, Member (A)

Henry D'Sa

..Applicant

V/s.

Union of India & 5 ors.

..Respondents

ORDER (By circulation)

(Per: B.S. Hegde, Member (J))

The applicant has filed Review Petition No. 28/96 against our order and judgment dated 8.12.1995 in O.A. No. 412/92.

2. The only claim made in the O.A. 412/92 is that the respondents have not paid the pensionary benefits within the prescribed time and there is considerable delay in paying the pensionary and other benefits and therefore sought a direction from the Tribunal to the respondents directing them to pay interest on the delayed payment. After hearing both the counsel, the Tribunal concluded that there was not intentional delay on the part of the respondents in making the pensionary benefits and as a matter of fact the respondents had paid to the applicant the pensionary benefits on different occasions and this fact has not been disputed by the applicant. Though the applicant had cited a Full Bench decision of the Tribunal during

the course of hearing, the Tribunal was of the view that the ratio laid down in the Full Bench decision would not apply to the facts of this case. The only relief granted to the applicant was refund of the penal rent recovered by the respondents from the applicant and the respondents were directed to make the payment within a period of two months. Request of the applicant for payment of interest was denied.

3. In this Review Petition the applicant is again seeking payment of interest on the delayed payments, stating that the Tribunal has denied interest on the delayed payment and the same is justified.

4. The law is very clear on the point that the review Petition lies on discovery of new and important matter or 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 the order was made, or on the ground that some mistake or error apparent on the face of the record is found. No such lacuna appeared in the judgment. It is not open to the applicant to re-argue the case once the matter has already been decided by the Tribunal. The scope of Review is limited and we see no merit in this Review Petition and the same is dismissed.

(P.P. Srivastava)
M(A)

(B.S. Hegde)
M(J)