

Central Administrative Tribunal
Principal Bench: New Delhi

RA No.167/2014
OA No.3397/2012

New Delhi this the 15th July, 2016

Hon'ble Shri Sudhir Kumar, Member (A)
Hon'ble Shri Raj Vir Sharma, Member (J)

Laxman Kumar Gupta
S/o of Late Shri Budhram Gupta,
R/o Quarter No.26/II,
Lal Bahadur Sadan,
Gole Market, New Delhi. ... Review Applicant.

(By Advocate: Shri A.P.Dhamija)

Versus

New Delhi Municipal Council,
Palika Kendra, Parliament Street,
New Delhi-110001. ...Respondent

(By Advocate: Shri Rajneesh Vats)

ORDER (ORAL)

Per Sudhir Kumar, Member (A):

Heard the learned counsel for both sides in the R.A. The sole case of the review applicant is that while deciding the RA, his contentions have not been properly considered and that the

document filed by the respondents through Office Order dated 24.12.2009 along with their additional affidavit filed on 09.02.2013 in the OA, giving details of the equivalence of the pay scales in Delhi Transco Limited (DTL, in short), had not been considered by the Bench. However, from a reading of Paras 2 and 3 of the order passed in the OA, it is clear that the contentions had been noted and that the content of the said Office Order dated 24.09.2009 relating to the equivalence of SS Pay Scale under the DTL pattern was also considered and mentioned in the body of the order, as passed.

2. Learned counsel for the review applicant, however, insists that the applicability of fixation of the equivalence of the pay scales under the Shiv Shankar Committee's report in DTL has not been correctly dealt with in the order, as passed by the Tribunal in the OA.

3. We find that the RA does not lie, because the applicant has not been able to point out any error apparent on the face of the record, or wrong application of law, or the existence of any other new facts which were not in the knowledge of the applicant, and, therefore, could not be procured and produced

by him before the case was heard. No such document has been brought on record.

4. If there has been any wrongful appreciation of the facts and the law concerning to the facts of the case, then alternative remedy is available to the review applicant, but a review would not lie. It has been held in **Union of India vs. Tarit Ranjan Das**, 2004 SCC (L&S) 160 and in **Subhash vs. State of Maharashtra and Another**, AIR 2002 SC 2537 by the Hon'ble Apex Court that in the garb of a Review Application, the Tribunal cannot be asked to re-examine the issues, and to decide the case afresh, and a review is allowable only if an error is pointed out in the order as passed, and the error pointed out is plain and apparent, on the face of the record itself. We do not find that the review applicant before us has been able to point out any such error whatsoever, or any error apparent on the face of the record, which is plain and apparent.

5. In view of the above position, the present Review Application has no merit, and the same is, therefore, dismissed.

(Raj Vir Sharma)

Member (J)

/kdr/

(Sudhir Kumar)

Member (A)