

Central Administrative Tribunal Principal Bench, New Delhi

R.A. No.278/2016
M.A. No.3563/2016
O.A. No.4374/2013

Friday, this the 28th day of July 2017

Hon'ble Mr. K.N. Shrivastava, Member (A)

1. Union of India through its Secretary
Ministry of Defence
South Block, New Delhi
2. The Director General of RVS (RV-1)
QMG Branch, AHQ
IHQ of MOD (Army)
West Block III, R K Puram
New Delhi – 110 066
3. The Controller General of Defence Accounts
Ulan Batar Marg
Palam, New Delhi – 110 010
4. The CDA (Army)
Belvadier Complex
Meerut Cantt.
5. The Commandant
Equine Breeding Stud.
EBS Babugarh Cantt.
Distt. Hapur, UP

..Review Applicants
(Ms. Abiha A Rizvi, Advocate for Mr. Hilal Haider, Advocate)

Versus

Smt. Dharamwati
Aged about 57 years
Widowed of late Shri Sharoj Singh
Ex-CLTS of EBS Babugarh Cantt
Under Dte General of RVS (RV-I)
QMG's Branch, AHQ Ministry of Defence
R/o village Allah Bux Pur
Alias Bagarpur, Dist. Hapur, UP

..Respondent
(Mr. V P S Tyagi, Advocate)

O R D E R (ORAL)

The R.A. has been filed under Section 22 of the Administrative Tribunals Act, 1985 seeking review of this Tribunal's order dated 22.08.2016 passed in O.A. No.4374/2013; the operative part of which reads thus:-

“5. In view of the above, the OA is disposed of with the direction to the respondents to pay leave encashment amount due to the applicant as per Rule alongwith interest of 8% and interest on delayed payment of DCRG as per DCRG Rules. The order shall be complied within 90 days from the receipt of a certify copy of this order.”

2. The review applicants, who were respondents in the O.A., have primarily sought review of the order on the ground stated in paragraph 3 of the R.A., which is reproduced below:-

“3. That the review applicants is being filed present RA on the following grounds:-

5(i). Because Hon'ble Tribunal has not considered the fact that Para No.5 (III) of the O.M. No.51016/2/90-Estt. (C) dated 10.09.1993 therein it has been stipulated that:-

“They will also be allowed to carry forward leave at their credit on their regularization. They will not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.” i.e. if individual has not been regularized, he may not carry forward his leave in his credit to next year. In instant case, individual has not been regularized; therefore there could not be any leave in his credit. This indicates that the order has been passed against the laid down Govt. of India instructions on the matter.”

3. The review applicants have not pointed out any apparent error on the face of the record of R.A. The Tribunal merely directed the respondents (review applicants) to pay leave encashment amount due to the applicant as per rule along with interest of 7% and interest on delayed payment of

DCRG as per DCRG Rules. The review applicants (respondents in the O.A.) are required to implement the directions as per the rules concerned.

4. The review applicants have failed to bring out any error apparent on the face of record of the order under review. It is settled law that *sine qua non* for review is existence of apparent error on the face of record, which is completely missing in the present case.

5. In view of the above, this R.A. is dismissed being found devoid of any merit.

6. Consequent to the dismissal of the R.A., M.A. No.3563/2016 seeking condonation of delay in filing R.A. also stands dismissed.

(K.N. Shrivastava)
Member (A)

July 28, 2017
/sunil/