

Central Administrative Tribunal
Principal Bench
New Delhi

R.A.No.117/2017

In

T.A.No.16/2012

New Delhi, this the 19th day of May, 2017

Hon'ble Shri V. Ajay Kumar, Member (J)

Hon'ble Shri P. K. Basu, Member (A)

1. Shri Hukumchand Thekedar
S/o Sh. S.L.Thekedar
R/o L-706,
Agrasen Awas
66, I.P.Extension,
Patparganj
Delhi – 110 092. .. Applicant

Versus

1. Union of India
through Secretary Ministry of Commerce
Government of India
Udyog Bhawan
New Delhi.
2. Chairman & Managing Director
India Trade Promotion Organisation
Pragati Bhawan
Pragati Maidan
New Delhi. Review Applicants/Respondents

O R D E R (By Circulation)

By V. Ajay Kumar, Member (J):

TA No.16/2012 was filed by a retired General Manager of the India Trade Promotion Organization questioning the action in recovering an amount of Rs.3,78,243/- towards the overdrawn foreign

allowances from him. After hearing both sides, the TA was partly allowed by directing the respondents to give prospective effect to the Memorandum dated 13.04.1999 instead of 01.01.1998, and to recalculate the amount of excess drawn foreign allowance and to refund the balance amount, if any, to the applicant, by Order dated 22.03.2017.

2. Seeking recalling of the said Order, the ITPO filed the present RA.

3. The review applicant submits that the original applicant has not prayed nor raised any ground about the prospective or retrospective effect of the Memorandum dated 13.04.1999, and giving a finding by the Tribunal is an error apparent on the face of the record.

4. Once the applicant questioned the whole action of the recovery, and when admittedly both sides relied on a Judgement of this Tribunal in OA No.188/1999 and OA No.812/1999, dated 29.08.2000 as upheld by the Hon'ble High Court of Delhi in WP(C) No.6750/2001, dated 24.04.2006, wherein while holding the Memorandums in question are valid, it was held that the same are prospective, applying the same to the facts of the case and accordingly giving a finding thereon, is well within the ambit of this Tribunal.

5. In the circumstances and for the aforesaid reasons, we do not find any merit in the RA. Accordingly, the RA is dismissed. No costs.

(P. K. Basu)
Member (A)

(V. Ajay Kumar)
Member (J)