

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI**

RA No. 273/2015
In
O.A. No.3190/2013

This the 5th day of December, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)

1. Union of India,
Through the Revenue Secretary,
Ministry of Finance,
North Block, New Delhi-110011
2. Chairman,
Central Board of Direct Taxes,
North Block, New Delhi-110011
3. The Commissioner of Income Tax,
1st Floor, Aayakar Bhawan,
Patiala (Punjab)-147001

- Review Applicants

(By Advocate: Mr. Hanu Bhaskar)

VERSUS

Shri Gaja Nand Goel,
S/o late Sh. R.K Goel,
R/o 254, Sector-19, Faridabad,
(Haryana)-121001
Also At: A-76, Ground Floor,
Fateh Nagar, New Delhi-110018

- Review Respondent

(Respondent in Review)

O R D E R (Oral)

Heard the learned counsel for the review applicants (respondents in OA) and respondent, who appears in person (original applicant).

2. The present review application has been filed by the original respondents (applicants in the OA) seeking review of

Order dated 5.3.2015 in OA 3190/2013 mainly on the following grounds as argued during the course of hearing:-

(a) This Tribunal has erred in granting interest to the applicant on the delayed payment of gratuity as the disciplinary proceedings in the case of the applicant were dropped by taking a sympathetic view vide order dated 19.5.2011 as such the applicant is not entitled for any interest on the amount of gratuity already paid to him;

(b) This Tribunal has erred in ordering the payment of interest from the actual date the order to pay pension was passed by the Government, whereas as per the Govt. of India's decision no.3 below Rule 68 of CCS (Pension) Rules, 1972, the interest is admissible in such type of cases after three months beyond the date of retirement of the original applicant. As such the interest would be payable after three months beyond the date of retirement of the applicant and the same is payable w.e.f. 1.11.2005 and not 1.8.2005 as ordered by this Tribunal vide the Order under review;

(c) The Court has also allowed the payment of interest @ 9%, while the GPF rate applicable for the relevant period was only 8%. The payment of interest could only have been ordered as per the Government of India, Ministry of Personnel, Public Grievances & Pensions, dated 05.10.1999 and thus, the Court has erred in giving another rate of

interest other than GPF rate of interest which is prescribed interest.

3. After hearing learned counsel for the parties in this Review Application, this Court finds that so far as ground (a) as noted above is concerned, the same does not come within the ambit of provisions of review as held by the Hon'ble Supreme Court in the case of ***Ajit Kumar Rath vs. State of Orissa and others***, 1999 (9) SCC 596, that "The power can be exercised on the application of a person on the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was made. The power can also be exercised on account of some mistake or error apparent on the face of the record or for any other sufficient reason. A review cannot be claimed or asked for merely for a fresh hearing or arguments or correction of an erroneous view taken earlier, that is to say, the power of review can be exercised only for correction of a patent error of law or fact which stares in the face without any elaborate argument being needed for establishing it." Therefore, this ground is not sustainable in the eyes of law.

4. So far as ground (b) is concerned, this Court is agreed to accede to the request of the respondents in the facts and circumstances of the present case. Accordingly, Registry is directed to incorporate the correction in para 5 of the original

order of this Tribunal to the extent that the date mentioned in the said para as '**01.08.2005**' be read as '**1.11.2005**'.

5. So far as ground (c) is concerned, this Court also accede to the same and accordingly Registry is directed to incorporate the correction in para 5 of the order under review to the extent that in para 5 of the said Order, instead of '**9% per annum**' be read as '**at GPF rates as admissible at the relevant time per annum**'.

6. In view of the above, the present Review Application is disposed of. There shall be no order as to costs.

(Nita Chowdhury)
Member (A)

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