

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
REVIEW APPLICATION NO.060/00072/2018
IN
ORIGINAL APPLICATION NO.060/01273/2017

Chandigarh, this the 28th day of January, 2019

...
CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)

Gurpiar Singh S/o Sh. Thana Singh, aged 36 years, working as Sr. Ticket Examiner, Faridkot under DRM, Ferozepur Cantt. (Group 'C').

Applicant

Versus

1. Union of India, through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Ferozepur Division, Northern Railway, Ferozepur.
3. Divisional Personnel Officer, Northern Railway, Ferozepur (Punjab).

... Respondents

ORDER (By circulation)
SANJEEV KAUSHIK, MEMBER (J)

1. The applicant had filed the Original Application for grant of financial benefits of promotion as Ticket Examiner (TE) w.e.f. 5.3.2007 and Sr. Ticket Examiner (STE), at par with his junior Arun Kumar w.e.f. 4.1.2010, with all the consequential benefit.
2. Vide order dated 26.1.2018, the claim of the applicant was dismissed by this Court, by observing that a person will not be entitled to any pay and allowances for the period during which he did not perform the duties of higher post although. In this case, the

applicant was given proper place in gradation list having been deemed to be promoted to the higher post w.e.f. the dates his juniors were so promoted. Thus, no employee can be held to be entitled to claim any financial benefits retrospectively, in all circumstances. Present is a case, where we do not find any grounds made out to grant benefit of pay and allowances to the applicant. At the most one may be entitled to re-fixation of the salary on the basis of the notional promotion granted to him / her in different grades, which has been done. Even otherwise, the indicated PS No. relied upon by the respondents grants arrears from the date of actual promotion as such it cannot be said that such a principle is arbitrary or unreasonable. Even rule denying such benefit has not been challenged, which is the foundation for taking a decision to deny the relief to the applicant, and as such applicant cannot be granted any relief.

3. Now the applicant has filed this Review Application pleading that applicant was allowed pay and allowances in earlier round of litigation which has attained finality and as such he cannot be denied that benefit in the instant O.A. Such, plea obviously was taken in earlier litigation and after considering the factual and legal position, the claim of applicant was declined by this Tribunal.

4. It is now well settled principle of law that the scope for review is rather limited, and it is not permissible for the forum hearing the review application to act as an Appellate Authority, in respect of the original order by a fresh and re-hearing of the matter, to facilitate a change of opinion on merits. The reliance in this regard can be placed on the

judgments of the Hon'ble Supreme Court in cases of

PARSION DEVI AND OTHERS VS. SUMITRI DEVI AND OTHERS (1997) 8 SCC 715, **AJIT KUMAR RATH VS. STATE OF ORISSA** (1999) 9 SCC 596, **UNION OF INDIA VS. TARIT RANJAN DAS** (2003) 11 SCC 658 and **GOPAL SINGH VS. STATE CADRE FOREST OFFICERS' ASSOCIATION & OTHERS** (2007) 9 SCC 369.

5. Meaning thereby, an order can only be reviewed if case strictly falls within the pointed domain of Order 47 Rule 1 CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985 and not otherwise, which is not available in the case in hand. The applicant in R.A has neither pleaded nor urged any error on the face of record warranting review of the order in question, except re-arguing the case all over again.

6. In the light of the aforesaid reasons, as there is no merit, the RA is dismissed, by circulation.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 28th January, 2019

HC*