
(2018) 07 CAT CK 0049

In the Central Administrative Tribunal

Case No : Review Application No. 94 Of 2018, Original Application No. 2896 Of 2016

Ghanshyam Singh

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 23-07-2018

Acts Referred:

Administrative Tribunals Act, 1985 — Section 22(3)(f)
Central Administrative Tribunal (Procedure) Rules, 1987 — Rule 17

Citation : (2018) 07 CAT CK 0049

Hon'ble Judges : Dinesh Gupta, J;K.N. Shrivastava, Member (A)

Bench : Division Bench

Final Decision : Disposed Of

Judgement

K.N. Shrivastava, Member (A)

1. Through the medium of this Review Application (RA), filed under Section 22 (3) (f) of the Administrative Tribunals Act, 1985 readwith Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, the applicant, who was original applicant in OA No.2896/2016, has sought review of order dated 26.04.2018 passed in the said OA.

2. The important grounds on which the review applicant has sought review of the order are as under:

2.1 In para-2 of the RA, it is stated that in last three lines, on pages 3&4 of the order, the Tribunal has noticed that the applicant had joined service in the year 1989 and thus became entitled for financial benefits under the ACP Scheme on completion of 12 years of service in the year 2001. According to the applicant the observation of the Tribunal is an error apparent on the face of the record because as per the dates and events given on page 'B' of the OA the applicant had joined Government service on 21.08.1987 and not in the year 1989, as observed by the Tribunal and as such as per ACP Scheme, the applicant had become entitled for

financial benefits on 09.08.1999 and not in the year 2001, as observed by the Tribunal.

2.2 Further, in para (ii) of the RA it is stated that the Tribunal on page-2, in line 1 to 6 from the top has observed as under:

"It is stated that the post of Deputy Commissioner (SH&BF) was an isolated post and that the applicant had reached to the maximum of his pay scale in November 2001. Seeing no future for him in service he took VRS, which was granted to him vide order dated 15.01.2013, which is not in dispute."

This observation of the Tribunal according to the review applicant is a mistake apparent from record because as per the list of Dates and Events as given in the OA, the applicant had taken voluntary retirement from service w.e.f 15.01.2003 and not on 15.01.2013, as observed by the Tribunal.

2.3 The Tribunal on page 4 in lines 3 to 9 from the top has observed as under:

"The respondents as per the extant instructions have destroyed his ACR. There is also a provision that a Govt Servant can request the Govt. for handing over his ACRs to him at the time of his retirement. Even that liberty, the applicant had failed to exercise. In the absence of ACRs, we do understand that the claim of the applicant for ACP benefits and that too at this later stage cannot be considered. The applicant has to suffer of his own inaction."

The above observation according to the applicant are patently erroneous, because the instructions, on the basis of which the ACRs/APRs of the applicant were destroyed, were not extant on the date the applicant had retired i.e. on 15.01.2003 for, as is evident from the impugned letter dated 29.04.2016 on page 8 of the OA, the said instruction came into existence on 02.04.2012 and 24.06.2014 when the applicant already stood retired on 15.01.2013.

2.4 It was obligatory on the part of respondents to have considered the applicant for granting him the benefit of ACP Scheme w.e.f. 09.09.1999 but they failed to do so.

3. We have perused the contents of the RA and verified the records. We find that inadvertently the words "in the year 1989" have been recorded, instead of "on 21.08.1987" in the penultimate line of the order at page-3. We also find that the words "in the year 2001" have wrongly been recorded in the first line at page 4 of order under review instead of "on 09.08.1999". We further find that on page 2 in line 1 to 6 from the top the date "15.01.2013" has been wrongly recorded instead of "15.01.2003". Accordingly, Registry is directed to carry out the aforesaid corrections in the original order and issue corrected copy of the order to both the parties.

4. As regards other grounds raised by the review applicant, suffice to say that the same have already been considered and rejected by the Tribunal while passing the order under review. In fact, by raising those grounds, the review

applicant is trying to re-argue the matter, which is not permissible. Accordingly, this RA stands disposed of, in circulation, in the aforesaid terms.