

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

**RA No. 9 of 2014
(OA No. 139 of 2013)**

Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)
Hon'ble Mr. Swarup Kumar Mishra, Member (J)

Jibardhan Biswal, 59 years, S/o-Late Kalanidhi Biswal, At-Nehru Nagar, Post-Rajendra College, Dist-Balangir-767002, Retd. PA.

.....Applicant
VERSUS

1. Union of India represented through its Secretary-cum-Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110116.
 2. Chief Post Master General, Odisha Circle, At/PO-Bhubaneswar-Dist-Khurda-751001.
 3. Director of Accounts (Postal) At-Mahanandi Vihar, Po-Nayabazar, Dist-Cuttack-753004.
 4. Superintendent of Post Offices, Kalahandi Division, At/PO-Bhawanipatna, Dist-Kalahandi, Odisha-766001.
 5. Head Postmaster, Bhawanipatna H.O., At/PO-Bhawanipatna, Dist-Kalahandi, Odisha-766001.
 6. Branch Manager, State Bank of India, Main Branch, At/PO-Bhawanipatna, Dist-Kalahandi.

.....Respondents

For the applicant : Mr. N. R. Routray, counsel

For the respondents: Dr. S. Behera, counsel

Heard & reserved on : 04.06.2020 Order on : 17.06.2020

O R D E R

Per Mr.Gokul Chandra Pati, Member (A)

This Review Application (in short RA), filed by the applicant of the OA No. 139/2013, is directed against the order dated 26.9.2014 of this Tribunal (Annexure-A/2 of the RA), dismissing the OA No. 139/2013 with the observation/direction as under:-

“7. In view of the discussions made above, this OA is dismissed with liberty to the Respondent Nos. 1 to 5 to recover the legal expenses incurred towards payment of legal fees to the Learned Counsel appearing for them from the dues payable to the Applicant as per Rules.”

2. The facts leading to this RA are that the applicant had filed the OA No. 139/2013 with the prayer for a direction to release pension for the period from

22.8.2010 to 31.10.2010, fixed medical allowance for the above period and the gratuity of Rs. 16,901/- with interest. The respondents in the OA had taken the stand that since the applicant had availed a loan from the State Bank of India with irrevocable letter of authority signed by the departmental authority, the amounts claimed in the OA were stated to have been paid to the bank for adjustment against the outstanding loan. It was also averred that the applicant did not disclose the fact about the outstanding bank loan against him in the OA. It was observed by the Tribunal that the concerned bank (respondent no. 6 in the OA) had obtained a decree from the competent Civil Court for recovery of the outstanding loan amount from the terminal benefits of the applicant and the applicant did not disclose these facts in the OA. Taking into account the facts of the case, the order dated 22.9.2014 (A/2) was passed by the Tribunal dismissing the OA with cost.

3. When the matter was heard on 5.3.2020, learned counsel for the applicant submitted that he restricted his claim in this RA only with regard to the liberty given to the respondents to recover the cost. Learned counsel for the respondents was directed to submit the legal expenses incurred by the respondents in the case.

4. Learned counsels for both the parties were also heard on 4.6.2020. Learned counsel for the applicant submitted that he would restrict his ground to the liberty given to the respondents recover the cost. He submitted that under the rules, the cost when awarded is required to be specified and he does not want to press other grounds mentioned in the RA.

5. Learned counsel for the respondents was heard. He submitted that in compliance to the order dated 5.3.2020, he has obtained instructions disclosing that the counsel who had appeared for the respondents in the OA has not charged any amount for the OA No. 139/2013 as on date for which, the respondents have not exercised the liberty given for recovery of legal expenses in accordance with the paragraph 7 of the impugned order dated 22.9.2014 (Annexure-A/2 of the RA). Learned counsel for the respondents also submitted that as pointed out in the Counter filed by the respondents, the RA is devoid of merit and is liable to be dismissed.

6. We have given our due consideration to the submissions by both the parties. In paragraph 7 of the impugned order dated 22.9.2014 (A/2) of this Tribunal, liberty was given to the respondents to recover the legal expenses incurred towards the fees paid to the respondents' counsel. No action has been taken by the respondents in this regard and as submitted by learned counsel for the respondents, no expenditure has been incurred by the respondents as

on date towards the fees of the counsel who had represented the respondents in OA No. 139/2013.

7. When the cost is not specified by the Tribunal, the provisions of the rule 111 of the Central Administrative Tribunal Rules of Practice, 1993 are applicable. The aforesaid rule 111 states as under:-

“111. Costs – (a) Unless otherwise quantified by the Tribunal, when costs are awarded in a case, the same shall be determined as follows:-

(i) For applicant(s)

Legal Practitioner’s fee ₹.500

Expenses ₹.150

(ii) For Respondent(s)

Legal Practitioner’s fee ₹.500

Expenses ₹.100

(b) Only one set of costs shall be awarded to the applicants as also when the same counsel appears for more than one respondent.

(c) When costs are awarded, a Bill of Costs in Form No. 20 shall be prepared giving the details of the costs awarded to the parties and annexed to the order.”

8. As stated by the respondents’ counsel, no expenditure has been incurred by the respondents as on date towards the fees paid to their counsel for the OA and hence, there was no occasion to recover the said cost as per the order dated 22.9.2014

9. In the facts and circumstances as discussed above, we don’t find any justification as per the provisions of law for reviewing the impugned order dated 22.9.2014(Annexure-A/2 of the RA). Hence, the Review Application is liable to be dismissed and it is accordingly dismissed. However, in case the respondents decide to recover the cost as per the order dated 22.9.2014 in future and if the applicant is aggrieved by such decision, he will be at liberty to challenge the said decision in accordance with the provisions of law.

10. There will be no order as to costs. Copy of this order to learned counsel for both the sides.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

