

1

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

R.A. NO.85/2003 IN OA 1498/2001

NEW DELHI THIS 21/3 DAY OF MARCH 2003

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

R.P. Garg Applicant/Respondent

VERSUS

Union of India & Anr.... Respondents/Applicants

O R D E R

BY HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER(A)

R.A. No. 85/2003 has been filed seeking review and recall of my order dated 15th March 2002^{issued} while disposing of O.A. No. 1498/2001.

2. M.A. No. 616/2003 seeking condonation of delay is allowed in the interest of justice.

3. I have considered the matter. While disposing of OA No. 1498/2001 the following order was passed:-

" 12. In the result the application succeeds but marginally and is accordingly disposed of. Respondent are directed to pay him interest @10% on the commuted value of pension i.e. Rs.3,82,816/- from 1.4.99 to 2.2.2000 and re-calculate the due and drawn amounts and take action accordingly. The impugned orders dated 23.5.2001 and 31.5.2001 are modified only to this extent. Applicant's other claims are rejected as being devoid of any merit. No costs."

4. Thereafter MA No. 1000/2002 was filed on 26.4.2002 seeking clarification of the impugned order, the same was dismissed as being not maintainable. The present petition has been filed on the following grounds:

a) for that the applicant prior to the commutation of his pension was getting full pension and only after the commutation of pension, his pension got reduced.

2

-3-

Therefore, there is no delay on the part of the Respondents to pay the commuted value of pension. Therefore, the respondents are not liable to pay any interest on the commuted part of the pension.

b) for that if the respondents are still directed to pay the interest @10% on the commuted pension, it will cause a loss to the public exchequer which, once paid, cannot be retrieved.

3. The above grounds do not bring out any error apparent on the face of the record as far as my order dated 15.3.2002 is concerned. The grounds only indicate certain alleged difficulties ~~and~~ ^{which} that might ~~have~~ ^{be} while giving effect to my above orders. The same does not constitute a ground for review as brought out by the Hon'ble Supreme Court in the case of Avtar Singh Sekhon Vs. UOI and Others [AIR 1980 SC 2041].

4. R.A. having no merit fails and is accordingly rejected.

(Govindan S. Tampi)
Member (A)

Patwal/