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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

R.A. NO. : 364/2000 IN O.A. No. 1672/1998.
(Filed before the Principal Bench, New Delhi).

Dated this Friday, the 17th day of November, 2000.

CORAM : Hon'ble Smt. Shanta Shastry, Member (A).

Union of India & 3 Others ... Review
Petitioners.

VERSUS

S. Y. Khan ... Respondents.

TRIBUNAL'S ORDER ON CIRCULATION :

This Review Application has been filed against the order dated 05.01.2000 in O.A. No. 1672 of 1998 by the respondents in the Original Application. Directions were given to the respondent nos. 1 and 2 in the O.A. to settle the matter with Respondent No. 4 i.e. the Life Insurance Corporation of India, to bear the pro-rata pension liability in the case of the applicant in the O.A. It was further stated therein that since the applicant was willing to deposit the pensionary liabilities, the L.I.C. may, if considered necessary, recover from the applicant whatever C.P.F. might have been paid to him and then bear the pro-rata pension liability. The applicant's past service with the L.I.C. should be counted towards pensionary benefits. The Review Applicants have also filed a Miscellaneous Application No. 2586/2000 for condonation of delay in filing the review application.

2. Normally a review application has to be filed within one month of the passing of the order in the Original Application. The review applicants have filed this Review Application on

04.09.2000, i.e. after 8 months of the passing of the order. It has been explained in the Miscellaneous Petition that since the issue involved is of broader impact and larger repurcussion, the Department of Pension and Pensioners' Welfare had to consider the same in detail at appropriate levels. Therefore, it has taken them time to file the review application. I am not convinced about the reasons for the delay in filing of the applications. On this ground itself the Review Application deserves to be dismissed.

3. On merits, the applicants have reiterated the arguments which have been advanced at the time of the hearing of the O.A. It is the contention of the review applicants that the Life Insurance Corporation of India is not covered by the definition of Central Autonomous Body, as given in the O.M. dated 29.08.1984 of the Department of Pension and Pensioners' Welfare, Government of India. The benefits of the O.M. are not meant to be extended to the Central Government employees who get absorbed in the Reserve Bank of India, State Bank of India, Nationalised Bank, Life Insurance Corporation of India, General Insurance Corporation, etc., although they were made entitled to pro-rata pensionary benefits, as clarified in O.Ms. dated 14.05.1986, 03.04.1987 and 10.11.1987. The Tribunal did not examine this contention nor did it go into the merits of the objection raised by the Respondents in the O.A. It has been further stated that a similar issue was considered by the Mumbai Bench of Central Administrative Tribunal in O.A. No. 591/98 and there the view held was, that organisations like R.B.I. and N.A.B.A.R.D. do not qualify as Central Autonomous Body meeting with the stipulations, as laid down in para 4 of the O.M. dated

29.08.1984. A review petition and appeal against the decision was rejected by the Hon'ble High Court on 08.12.1999. These decisions were not in the knowledge of the Respondents in the O.A. and, therefore, could not be brought to the notice of the Principal Bench while deciding the O.A. No. 1672/98.

4. I do not find that the review applicants have put forth any new grounds which would necessitate a review, except that they have now brought to my notice a decision of the Mumbai Bench of this Tribunal in a related matter. It is not that I have not taken cognizance of the fact that the L.I.C. is not covered by the definition of Central Autonomous Body, as given in the O.M. dated 29.08.1984. Infact, this has been recorded clearly as respondents' objections in para 5 of my order dated 05.01.2000. At the same time, the applicants in the O.A. had relied on O.M. No. 31.03.1987 wherein the Government of India treated the Life Insurance Corporation as a Central Autonomous Body for the purpose of grant of pro-rata retirement benefits. It is for this reason that L.I.C. was treated as a Central Autonomous Body and the services of the applicant with the L.I.C. were directed to be counted for purpose of pension. This being so, I cannot accept the grounds repeated by the review applicants to set aside the order dated 05.01.2000. A review application cannot be used for re-arguing the case, even if the decision may be erroneous.

5. In the result, the Review Application is dismissed.

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(Smt. SHANTA SHAstry)
MEMBER (A).