

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A. No.97/99 IN
O.A. No.818/98

HON'BLE SHRI R.K. AHOOJA, MEMBER(A)

New Delhi, this the ~~21~~ day of October, 1999

P.M. Hinduja
S/o Late Shri M.C. Hinduja
Ex Senior Observer
India Meteorological Department
R/o 501/4, Khurbura
Dehradun (U.P.)
Pin 248001

....Applicant

(In Person)

Versus

Union of India

1. The Secretary to the Govt. of India
Deptt. of Science & Technology
Technology Bhawan
New Mehrauli Road
New Delhi 110 016
2. The Director General of Meteorology
India Meteorological Department
Mausam Bhawan, Lodhi Road
New Delhi 110 003
3. The Senior Accounts Officer
Pay & Accounts Office
India Meteorological Department
Ministry of Science & Technology
Lodhi Road, New Delhi 110 003

...Respondents

(By Advocate: Shri R.N. Singh, Proxy
of Shri R.V. Sinha)

O R D E R

The applicant who joined as an LDC in the Indian Meteorological Department with effect from 9.3.1948 and was permanently absorbed in ONGC with effect from 7.6.1964, filed the aforesaid O.A. aggrieved by the respondents' refusal to allow him his retirement dues from 7.6.1964 alongwith interest thereon without making any reductions, recoveries and adjustments. Certain ancillary reliefs were also sought in regard to encashment of leave salary, calculation of damages and compensation on account of alleged harassment caused to

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the applicant. In the order sought to be reviewed it was held that the applicant was entitled to pro-rata pension but it was admissible only from the date on which he would otherwise have completed 30 years of qualifying service. It was also directed that no deductions were to be made from the arrears due to him on account of any alleged contribution towards CPF which was actually held to be applicant's contribution to the GPF.

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2. The applicant has now come with this review petition claiming that the Tribunal fell into an error inasmuch as no decision was given on his claim for grant of interest, for not allowing pension from the date of his absorption in the ONGC, and for rejecting his claim in regard to encashment of leave, costs and damages and compensation on account of the harassment caused by the respondents.

3. I have heard the applicant in person and have also gone through his meticulously prepared review petition. Since the scope of ~~review~~ jurisdiction is narrow and greatly circumscribed, the opportunity given to the applicant to make oral submissions was largely on account of the fact that he is a retired person and has been pleading his case also in person. The applicant, however, sought to avail this opportunity to reargue his case on the points on which relief has not been granted to him.

4. The Supreme Court has held in Chandra Kanta & Anr. Vs. Sheik Habib [AIR 1975 SC 1500] that a review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent

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mistake or grave error has crept in earlier by judicial fallibility. In Tungbhadra Industries Ltd. Vs. The Govt. of Andhra Pradesh [AIR 1964 SC 1372] the Supreme Court observed that "it would suffice us to say that where without any elaborate argument one could point to the error and say here is a substantial point of law which stares one in the face, and there could reasonably be no two opinions entertained about it, ~~then~~ a clear case of error patent on the face of the record will be made out." Judged against this the review application running into 54 pages with numerous annexures, making elaborate arguments and a large number of citations, would by itself be sufficient ground to conclude that there is no patent error in the impugned order of the Tribunal. 5. Nevertheless, the points made by the applicant will be briefly dealt with. In regard to the claim for interest, a relief which is not granted is deemed to have been rejected. The applicant had claimed interest on the grounds that the sanction of the pension to him had been delayed by the respondents deliberately and intentionally. Considering that the benefit of pro-rata pension to those who were absorbed in public sector units prior to 1967 was mired in controversy, records were not easily available regarding payment of CPF etc. and calculations in regard to arrears had to be worked out the delay was not considered as deliberate and intentional. Such delays, however regrettable, are inevitable in a situation where inter-departmental correspondence has to be undertaken, more so where the matter at hand relates to a case more than 30 years old. It is also to be kept in mind that such interest is a

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charge on the public funds. In the facts and circumstances of the case, therefore, interest was not allowed.

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6. In regard to the claim of the applicant that he is entitled to pension from the date of his absorption in ONGC, the issue has been dealt with in the impugned order. The applicant has tried to show that there is a difference between "admissibility" and "disbursability"; in other words, while pro-rata pension may be disbursed to him only at a later point in time, the same has to be calculated from the date of his absorption when it became admissible. As there is no mention in the various OMs, particularly the O.M. No.25 (1)-E.V/83 dated 8.9.1983, which has been reproduced at pages 396-397 of Swamy's Pension compilation, 1995 edition that while disbursing pension pro-rata retiral benefits on the deemed date of voluntary retirement, arrears will also be paid from the actual date of absorption, there is no merit in this contention of the petitioner.

7. The applicant's contention regarding damages and compensation cannot be considered as the Tribunal has no such power and jurisdiction as held by the Supreme Court in Maharashtra Public Service Commission Vs. Dr. Bhanumati P. Rathod & Others, JT 1997(5) SC 180. ⁿnot a court of ~~appeals~~. In the judgment of the Tribunal, no order as to costs was required.

8. In the result, the R.A. is dismissed.

R. K. Ahooja
(R.K. AHOOJA)
MEMBER (A)