

Central Administrative Tribunal
Principal Bench: New Delhi

RA No. 137/96
MA No. 1543/96
in
OA No. 1769/94

(39)

New Delhi, this the 10th day of March, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)

1. Union of India through
The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Delhi Division,
DRM Office,
Paharganj,
New Delhi.
3. The Divisional Medical Officer,
DRM Office,
Delhi Division, Paharganj,
New Delhi.Review applicants
By Shri P.S.Mahendru, Advocate)

VERSUS

1. Rambeer Singh s/o Shri Krorimal,
r/o Jhuggi No. 139,
Near K 2 Block, Badarpur,
New Delhi.
2. Shri Ashok Kumar s/o Rambeer Singh,
r/o Jhuggi No. 139, Near K2 Block,
Badarpur,
New Delhi.Respondents/
original applicants

(By Shri A.K.Bhardwaj, Advocate)

O R D E R (Oral)

1. This review petition filed on behalf of the Union of India is seeking a review on the question that the impugned order alleged to have raised certain presumptions as to the calculation of the retiral benefits for the petitioners.

2. Learned counsel for the review petitioners states that the calculation submitted by the applicants cannot be accepted for the purpose of arriving at what is the retiral benefits permissible to the applicants. We are unable to accept this contention for the reason that this order has been passed orally in open court, in the presence of the parties and if there was any objection to the finding recorded, the learned counsel for respondents could have raised the same at the time of hearing.

3. Learned counsel for the review applicant also stated that there are some factual errors as to whether they have paid the retiral benefits even during the pendency of the OA or not. Learned counsel for the original applicants submits that these facts have already been brought to the notice of the court with reference to an interim order passed on 7th June, 1995 in the same OA. Therefore, the question of not bringing to the notice of the court such facts is not tenable.

4. In the circumstances the review petition is partly allowed to the extent that the respondents shall pay the retiral benefits after deducting the payments they have already made, reference of which is already made in the interim orders passed by this court. It is made clear that this review order shall not be taken to understand to take away any right already accrued

to the original applicants. Parties are given liberty to approach the appropriate forum for further remedies. There shall be no order as to costs.

(Dr. Jose P. Verghese)
Vice-Chairman(J)

(A)