

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

R.A. No. 133 of 1997
M.A. No. 1274 of 1997
in
O.A. No. 1901 of 1996

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New Delhi, dated this the 16th JANUARY 1997

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Jagdish Raj Kapoor,
S/o Shri Bhagat Ram,
C/o Shri Sant Lal,
Advocate,
C-21 (B) New Multan Nagar,
Delhi-110056.

.... REVIEW APPLICANT

VERSUS

1. Union of India through
the Secretary,
Ministry of Communication,
Dept. of Posts,
Dak Bhawan,
New Delhi-110001.

2. The Director,
Postal Services (P),
O/o the Chief Postmaster General,
Delhi Circle,
Meghdoot Bhawan,
New Delhi.

3. The Senior Postmaster,
Saerojini Nagar,
H.O.,
New Delhi-110023.

... RESPONDENTS

ORDER (By Circulation)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
Perused the MA. No. 1274/97 seeking

condonation of delay in filing R.A. No.
133/97. Under the circumstances pointed out
in M.A. No. 1274/97 the delay is condoned.

2. Perused R.A. No. 133/97 seeking
review of judgment dated 21.2.97 in O.A. No.
1901/96 Shri J.R. Kapoor Vs. UOI & Ors.

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3. We note that applicant had earlier filed O.A. No. 1003/91 in which he had inter alia sought release of gratuity and pension. That O.A. was disposed of by judgment dated 27.4.92. The prayer for release of gratuity and pension was not granted at that stage and it was held that disciplinary enquiry should in the first be got concluded. Respondents were directed to complete the same within three months and also consider release of applicant's gratuity in accordance with Rule 69 CCA (Pension) Rules.

4. No materials have been shown to us to suggest that after the aforesaid period of three months had elapsed, without the DE being concluded applicant ever agitated the matter, before the Tribunal.

5. In O.A. no. 190/96 applicant sought release of DCRG with interest; payment of pension and issue of PPO; and consequential benefits including pay and allowances for the suspension period.

6. The aforesaid O.A. No. 190/96 was heard and disposed of by impugned judgment dated 21.2.97.

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7. The Tribunal had noted in the impugned judgment that pay and allowances for the suspension period has been paid to the applicant on 18.11.96. In so far as release of the DCRG was concerned, the Tribunal had noted that the same had also been released to applicant (the sum of Rs.1000/- which had been retained for purpose of making unassessed due also having been released to him on 13.12.96). In so far as interest on DCRG was concerned, the Tribunal had noted that under Rule 68(1) CCS (Pension) Rules interest became payable only where it was clearly established that delay was attributable to administrative lapse on the part of respondents. In the present case, as the departmental proceedings concluded only on 23.9.96 (as being declared null and void, on account of the Sr. Post Master, Sarojini Nagar P.O. not being competent to issue the charge sheet) respondents could not have released the DCRG/final pension to applicant before that date as per Rule 69 CCS (Pension) Rules, and hence applicant could not claim interest on DCRG under Rule 68(1).

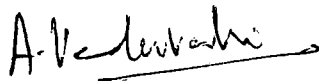
8. Under the circumstances we see no reason to modify the impugned judgment dated 21.2.97 and we hold that none of the grounds contained in the R.A. bring it within the

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scope and ambit of Section 22(3)(f) A.T. Act read with Order 47 Rule 1 C.P.C. under which alone any judgment/order/decision of the Tribunal can be reviewed.

9. Applicant contends that only provisional pension and provisional DCRG have been released to him although he retired nearly four years ago and the D.E. against him was also dropped. Respondents should release applicant's final pension and final DCRG in accordance with rules within three months of receipt of this order if not already done.

10. Subject to Para 9 above the R.A. is dismissed.



(DR. A. VEDAVALLI)
Member (J)

/GK/



(S.R. ADIGE)
Vice Chairman (A)