

26

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

RA NO. 375/2001
MA NO. 2543/2001
OA NO. 2660/1996

This the 14th day of May, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)

In the matter of :

Shri Lakh Ram Rathore
House No.5, Sector-15,
Sonepat (Haryana). ..Petitioner/applicant

By Advocate: Sh. Ajay Pal, proxy for Shri S.R. Sharma,
Counsel.

Versus

1. The Government of National Capital Territory of Delhi
Through the Secretary,
(Education Department)
Old Secretariat,
Delhi.
2. The Director of Education,
Delhi Administration,
Delhi.
3. Deputy Director of Education,
Delhi Administration,
Delhi.
4. Deputy Controller of Accounts,
Director of Education, Delhi Administration,
Delhi.
5. The Government of Haryana,
through the Secretary (Education Department)
Secretariat Chandigarh,
Chandigarh.
6. The Director of Secondary Education,
Haryana,
Chandigarh. .. Respondents

By Advocate: Shri George Paracken

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

RA No. 375/2001 has been filed by the applicant seeking review of the order dated 13.1.98 and to direct the respondent No.1 to 4 to make the payment of pension in respect of the services rendered by the applicant in the State of

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23

Haryana from 15.9.80 to 30.11.88. Further a prayer has been made to clarify whether the directions given by this Tribunal by order dated 13.1.98 to Resp. 1 to 4 are in respect to the entire period of service of the applicant or in respect of the period he rendered to Delhi Administration only.

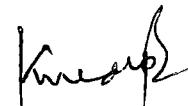
2. RA is opposed by Sh. George Paracken, counsel for respondents. I have also gone through the order passed in OA-2668/96. Though in the OA, applicant had prayed for a direction to the respondents to fix and release the due pension with 18% interest and other consequential benefits like leave encashment and gratuity.

3. Tribunal while deciding the OA had directed Resp. No.1 to 4 to ensure that pension and other retiral benefits should be paid to the applicant. However, this Tribunal specifically let open the question with regard to the benefits which applicant was to secure from Govt. of Haryana. Applicant was made free to pursue his own remedies in accordance with whatever legal rights he perceives and is advised in this regard. It will not be out of place to mention here that the applicant filed a CP also which was decided by order dated 21.3.2000 and while deciding the CP, the Court specifically observed that as regards the petitioner's service in Haryana Govt. is concerned, his rights were left open and he was entitled to pursue his remedies. Respondents were not directed by the Tribunal to pay for the services rendered by the petitioner in the Haryana Govt. So to that extent it is found that other direction as given by the Tribunal has been complied with and no contempt was made particularly with regard to the benefits whatsoever out of the service rendered by the petitioner in Haryana. Thus, the Division Bench while exercising power of CP also

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confirms the order passed by the Single Bench in OA-2668/96 and the perusal of this order show that as regards the right of the applicant with regard to the service benefits which he rendered at Haryana Govt. that is not adjudicated by this Tribunal though the same was left open, so there is no ambiguity in the order and no clarification is required.

4. The RA is also barred by time as the order was passed on 13.1.98 and RA was filed on 8.8.2000 that is much after two and a half years so on that account RA is not maintainable. However, since the Tribunal had left open the right of the applicant to secure the benefits from the Haryana Government and as such he is free to pursue his own remedies in accordance with whatever legal rights he perceives. Accordingly, applicant is at liberty to pursue his remedies, if any, before the Haryana Govt.


(KULDIP SINGH)
Member (J)

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