

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

R.A. No. 37 of 1998 In
O.A. No. 956 of 1996

New Delhi this the 10th day of March, 1999

HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Chandra Bhan Garg
5/46 Patel Gali,
Vishwas Nagar,
Shahdara,
Delhi-110 032.

..Review Applicant

Versus

Union of India through its

1. Director,
Central Translation Bureau,
Government of India,
Ministry of Home Affairs,
Department of Official Language,
8th Floor,
Environmental House,
C.G.O. Complex, Lodi Road,
New Delhi.
2. Pay and Accounts Officer,
Ministry of Home Affairs (Sectt)
C-1 Hutments, Dalhausie Road,
New Delhi.

..Respondents

ORDER BY CIRCULATION

The applicant in the Review Application seeks to have the order dated 6.2.1998 reviewed on the ground that only one of the three issues raised by the applicant was decided in the aforesaid order and his other reliefs were not considered. The applicant raised the issue of is entitlement to monthly pension. It was directed in the aforesaid order that the applicant would be entitled to received monthly pro-rata pension with effect from 10.7.57 till the date of certification by the medical authority on the date of the medical examination was held, i.e. 15.12.1987. The applicant had also claimed the benefit of revised pension under revised Pension Rules w.e.f. 1.1.1986 and interest of the balance amounts to be paid to

him. Under Explanation V of Rule 11 of the CPC, any relief claimed in the application which is not expressly granted by the order, shall be deemed to have been refused. However, even on merit, there is no case for review. The applicant having got absorbed in the ESIC w.e.f. 21.4.1983 cannot be treated as a pensioner entitled to relief under the revised Pension Rules w.e.f. 1.1.1986. Monthly pension was disbursable to him as per entitlement under rules in accordance with option exercised by him at the time of his absorption only from 9.7.1987, when he would have notionally completed 30 years of service till the date of the medical examination i.e. 15.11.1987. That does not mean that he was an "existing" pensioner on the date of introduction of the revised Pension Rules w.e.f. 1.1.1986 in terms of GOI OM dated 16.4.1997. Secondly, in para 9 of the order relating to his absorption dated 17.9.1984 it was clearly mentioned that any further liberalisation of pension/gratuity rules decided upon by the Government of India in respect of officers of the Central Civil Services, after permanent absorption of the applicant in the ESIC will not be extended to him and, therefore, he will not be entitled to the benefits of revised Pension Rules which came into effect from 1.1.1986, as claimed by him.

2. In the light of the foregoing, I do not find any merit in the RA. The RA is accordingly rejected. However, the typographical error showing his date of entry into Government service as 10.7.97 may be corrected as 10.7.57.


(K. MUTHUKUMAR)
MEMBER (A)