

Central Administrative Tribunal  
Principal Bench

R.A.No.105/98 in  
O.A.No.2666/96

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 13<sup>th</sup> day of August, 1998

Union of India  
through General Manager  
Northern Railway  
Baroda House  
New Delhi.

... Review Applicant

(By Shri R.L.Dhawan, Advocate)

Vs.

Shri Govind Swaroop Saxena  
s/o late Shri Ganga Swaroop Saxena  
r/o D-359, MIG Flats  
Pratap Vihar  
Ghaziabad(UP).

... Review Respondent

(By Shri K.B.Chatterjee, Advocate)

O R D E R

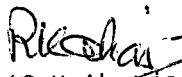
This Review Petition has been filed by the respondents in the above mentioned OA which was disposed of by an order dated 27.2.1998. The applicant had claimed payment of pension w.e.f. 30.11.1981 with 18% interest. In its order dated 27.2.1998, the Tribunal directed that the respondents would treat the applicant as pension optee having exercised his option in 1979. It was also directed that he would be paid arrears of his pension but in the circumstance of the case he will not be entitled to any interest thereon till the date of filing of the OA, i.e., 18.12.1996. Thereafter, he will also be paid 18% interest on the arrears of pension till the date of final payment.

2. The review petitioners submit that there is an error of law and fact patent on the face of record. They state that the Railway Rules do not provide for payment of interest on the delayed pension and this position has

been over looked in the order. Secondly, they state that some time is required for preparation of pension books which is at least eight months and that this process could be started only after the order of the Tribunal was delivered. Therefore there is a mistake in directing the respondents to pay interest with retrospective effect.

3. I have heard the counsel on both sides. The applicant in the OA had made a prayer for interest right from 1979. Since he had come to the Tribunal only in 1996, payment of interest was confined only from that date. The Tribunal had come to the conclusion that the applicant should have been treated as a pension optee. Since the applicant had been deprived of pension payments, he was entitled to compensation for this lapse on the part of the respondents. However, as he had sought the relief only in 1996, the interest was granted only from that date. I am unable to find any error on the face of the record as alleged by the Review Petitioners. It is true that it will take time to prepare the pension papers but in this no blame attaches to the applicant; on the contrary this direction should be an incentive for the respondents to settle the pension case as early as possible.

4. Under the above circumstances, finding no merit in the Review Petition, the same is dismissed.

  
(R.K. Ahuja)  
Member(A)

/rao/