

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

R.A.No.227/2000

IN

OA No.2483/95

New Delhi: dated, this the 16<sup>th</sup> day of MAY, 2001

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A)

HON'BLE MRS.LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J)

IN THE MATTER OF

Union of India,

through

Director General of quality assurance,

Govt. of India,

Ministry of Defence,

DHQ,PO,

New Delhi.

2. The Chief Controller of Defence Accounts,  
Allahabad (UP)

3. The Controller of Quality Assurance (Weapons),  
Controller of quality Assurance,  
Jabalpur, MP

....Review Applicants  
(Respondents in OA)

(By Advocate: Shri A.K.Bhardwaj)

Versus

R.C.Mathur,  
S/o Late Shri R.M.Mathur,  
R/o C/o Dr.B.P.Mathur,  
DC/II/248-A, Vikashpuri,  
New Delhi

....Review Respondent  
(Applicant in OA)

(None appeared)

ORDER

S.R.Adige, VC (A):

Heard Shri A.K.Bhardwaj on behalf of Review applicant (UOI & Ors) seeking review of CAT,PB order dated 23.12.99 in OA No.2483/95 R.C.Mathur Vs. UOI & Ors. None appeared for review respondent Shri R.C.Mathur (Applicant in the OA).

2. In the RA two main grounds have been taken. The first is that applicant had suppressed mentioning in OA No.2483/95 that he had earlier filed OA No.2045/95

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inter alia praying for a direction to add to his qualifying service a period of 5 years which was separately given to him under Rule 20 CCS (Pension) Rules, as a result of which that OA was disposed of by order dated 13.5.96 observing that nothing further survived therein.

3. Secondly it has been contended that the Tribunal in its aforesaid order dated 23.12.99 failed to take note of Deptt. of Pension Notification dated 9.1.92 whereby a new proviso was inserted in Rule 30 CCS (Pension) Rules that the concession of addition to qualifying service would not be admissible to those who were eligible for counting their past service for superannuation pension, unless they opted before the date of their retirement for weightage of service, foregoing counting of their past service.

4. A perusal of our aforesaid order dated 23.12.99 reveals that we had followed the Hon'ble Supreme Court's ruling dated 28.10.93 in UOI & another Vs. S. Dharmalingam JT 1993(6) SC 403 in the present case, and if Deptt. of Pension by its Notification dated 9.1.92 had introduced a new proviso thereby modifying the relevant rules, <sup>and/or applicant in the OA had filed an earlier OA</sup> either sides should have brought it to our notice.

5. In this connection, during hearing Review applicants' counsel Shri Bhardwaj very fairly admitted that they had implemented the Tribunal's order dated 23.12.99 of which they are now seeking review.

6. As the aforesaid order dated 23.12.99 has been implemented, the same does not call for any review at this

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stage, but we make it clear that the ratio of that order will be limited to the facts and circumstances of the present case alone, and will not be treated as a precedent.

7. RA is disposed of accordingly.

*Lakshmi Swaminathan*  
( MRS. LAKSHMI SWAMINATHAN )  
VICE CHAIRMAN (J)

*S.R. Adige*  
(S.R. ADIGE)  
VICE CHAIRMAN (A)

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