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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

R. A.No.58/96 in OA No.1024/95

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

New Delhi, this 30th day of April, 1996

1. Jugga
aged about 70 years
s/o Shri Shibbey; and
2. Gurdayal
s/o Shri Jugga
aged about 29 years
c/o Ramesh Chandra
Village Mitraon
Police Station - Nazafgarh
Delhi.

... Applicants

Versus

Union of India through

1. The Principal Secretary
Ministry of Railways
Chairman Railway Board
Rail Bhawan
New Delhi.
2. The General Manager
Central Railway
Bombay VT.
3. The Divisional Railway Manager
Central Railway
Jhansi.

... Respondents

O R D E R (Circulation)

This Review Application has been filed by the applicant in respect of the order dated 8.2.1996 in OA No.1024/95. The claim of the applicant for his categorisation as a result of the medical examination held in 1981, as also the appointment by way of compassionate appointment in favour of his son, was rejected on the ground that the same was time barred. The applicant has now sought a review of the said order on the ground that the right of consideration of claim in respect of pensionary benefits is a vested right and cannot be barred by limitation, and that since the claim of the OA remained pending with the respondents No.3 upto 1991, the application was within time. It has also been pleaded that the order did not

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take into account the MA attached with the OA for condonation of delay which deserves to be granted in the light of various judgments of the Supreme Court in recent case CA No. No.10218/1995 Manohar Vs. State of Karnataka (SC SLJ 1996 = 86 Jan.).

2. I have carefully considered the ground taken in the Review Application. The arguments advanced regarding limitation were duly considered in the order in para No.6 and 7 thereof. This was not a case of denial of pensionary benefits but a change in his terminal benefits. This question had already been settled in 1988-89, and it was observed that the applicant could not now, after an interval of seven years, agitate that he was not retired in the proper capacity or that he had a different option regarding his terminal benefits. What the applicant is seeking in the review application is to suggest a different interpretation of the facts which is not a subject matter of a Review Application but an appeal before the appropriate forum. For this reason I am unable to find any merit in the Review Application, which is accordingly dismissed.

/RAO/


(R.K. AHUJA)
MEMBER(A)