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Central Administrative Tribunal  
Principal Bench, New Delhi.

CP-153/94 in  
OA-1882/93

New Delhi this the 18th Day of May, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman  
Hon'ble Mr. B.N. Dheundiyal, Member(A)

Smt. Amrawati,  
W/o late Sh. Shyam Lal,  
R/o Jhuggi No. 11,  
Railway Colony,  
College Lane,  
Near Tilak Bridge,  
New Delhi.

Petitioner

(through Sh. Gopal)

versus

1. Sh. Sunil Mishra,  
Senior DPO DRM Office,  
Northern Railway,  
Near New Delhi Railway Station,  
New Delhi.
2. Mrs. Suman,  
Dealing Assistant,  
DRM Office,  
Northern Railway,  
Near New Delhi Railway Station,  
New Delhi.

Respondents

ORDER (ORAL)  
delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The complaint in this application is that  
(a) the alleged direction given by the Tribunal given  
on 12.1.1994 is not being carried out.

In paragraph-4 of the order of the Tribunal  
dated 12.1.1994 it is stated that;-


"In view of the above facts and circumstances,  
the present application is disposed of as  
pre-mature. However, it is made clear that  
if the applicant is aggrieved by any order  
withholding her pension to be withdrawn as  
per P.P.O. issued in her name, she can agitate  
the matter afresh, if so advised, according to  
law. The application is dismissed at the  
admission stage itself, with no order as to  
costs."

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In the O.A. the principal relief claimed was that the order of the respondents stopping the pension to the applicant may be struck down and the respondents may be directed to forthwith disburse to the applicant all pensionary and retiral benefits as she will be entitled to in accordance with the law.

Reliance is placed by the learned counsel for the petitioner upon the recital in the order dated 12.1.1994 of this Tribunal in paragraph-3 that the learned counsel for the respondents gave a statement that the pension of the applicant has not been withheld and no order in that connection has been passed. The learned counsel has vehemently contended that, in fact and in substance, the learned counsel for the respondents gave an undertaking to this Tribunal that the pension payable to the applicant would be paid. In our opinion, no such undertaking was given by the learned counsel for the respondents. He really made a statement of <sup>a</sup>the fact which has been noted by the learned Member of this Tribunal. In view of the afore quoted order as contained in paragraph-4, the remedy of the applicant, if any, is to file a fresh O.A. This application is a misconceived one.

The application is rejected summarily.

  
(B.N. DHOUNDIYAL)  
MEMBER (A)

  
(S.K. DHAON)  
VICE CHAIRMAN

/vv/