

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA 15/94 IN OA 1521/93

NEW DELHI, THIS 8th DAY OF MARCH, 1994

HON'BLE SHRI C.J. ROY, MEMBER(J)

Shri J.M Paul
s/o late Prof. Bishamber Nath
EC-22, Maya Enclave
G-8 Area, New Delhi .. Applicant

By Shri B.S. Jain, Advocate

VERSUS

1. The Comptroller & Auditor General of India
Bahadur Shah Zafar Marg, New Delhi
2. The Accountant General (A&E), Punjab,
Chandigarh
3. The Secretary
Department of Personnel & Training
New Delhi .. Respondents

By Shri N.S.Mehta. Sr. Central Govt. Standing Counsel

ORDER:

This review application is filed by the applicant against the order delivered on 13.12.93 in the OA 1521/93, the operative portion of which is as under:

Therefore considering all the facts and circumstances of the case and based on the guidelines and decisions cited supra, I have no hesitation to hold that the applicant has made out a case. The application is therefore allowed. The impugned order dated 24.6.93 rejecting the appeal of the applicant is quashed and set aside. The respondents are directed to grant the pro-rata pension to the applicant from the date of his retirement. However, in the peculiar circumstances of the case, no interest is allowed.

2. The reason given by the applicant in the review application is that he is to be given pro-rata retirement benefits with effect from 1.8.76 and not from the date of retirement. It is further contended by him that the applicant is similarly situated as that of Shri H.B.Lal, whose case was decided by the Hyderabad Bench of the Tribunal - in the light of the ratio of judgements in the cases of

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D.S. Nakara mvs. UOI (AIRm 1983 SC 130) and T.S. Thiruvengadam vs. UOI (CA 666/1993 arising out of SLP (C) 12010/1988 - and in whose case the pro-rata retirement pension is made applicable with effect from 1.8.1976.

3. While giving judgement in the case of the applicant, a mistake has crept in my order inasmuch as that the benefit is to be given to the applicant from 1.8.76 and not from the date of his retirement. As I feel there is a sufficient cause for reopening the case, I recall the judgement dated 13.12.93 and order for substituting the words in line 8-9 of para 14 of that judgement "from the date of his retirement" to read as "with effect from 1.8.1976", since the applicant is entitled to get the benefit from 1.8.76 as has been made applicable in the case of Shri H.B. Lal, cited supra.

4. Registry is directed to intimate the above amendment to both the parties.

The RA is thus disposed of. No costs.

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(C.J. ROY)
Member (J)

8/3/94

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