

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL SECRETARY,  
 NEW DELHI.

R.A.No.304/94

IN

O.A.No.654/93.

New Delhi: April 28<sup>th</sup>, 1995.

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

Union of India & others .....Applicant  
 (Respondents in OA)

By Shri M.K.Gupta, Advocate.  
Versus

Fateh Singh ,  
 Ex-Postal Asstt.,  
 816-A, Mahawar Nagar,  
 Kotla Mubarakpur, .....Respondents.  
 New Delhi (Applicant in OA)

By Shri R.N.Saxena, Advocate.

ORDER

In this R.A. bearing No.304/94 filed on 14.9.94, the Union of India has prayed for review of judgment dated 21.2.94 in O.A.No.654/93 Fateh Singh Vs. Secretary Cum-Director General , Department of Posts & others.

2. In that O.A., applicant Fateh Singh, Ex-Postal Assistant had impugned the order dated 23.12.92 rejecting his prayer for grant of lump sum payment of pro-rata retirement benefits for the services rendered by him in the Postal Department.

3. The applicant in O.A. had based his claim, inter alia , on the contents of Ministry of Personnel's O.M. dated 31.7.87. Both the parties were heard and neither the reply in the O.A. nor the respondents' counsel (in O.A.) was able to make clear in the reply why the benefits of that O.M. had been denied to the applicant. Noting this position in paragraph 5 of the judgment, the O.A. was allowed.

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4. The respondents in that O.A. (UOI) have now filed this review application stating that the impugned judgment suffers from error apparent on the face of record, as the said O.A. was to take effect from the date of its decision and its benefits would accrue only where the action took place on or after 31.3.87. In this connection, reliance has been placed on the case 'UOI Vs. P.N. Menon & others' (1994(4) SCC 68) wherein the prescribing of a cut-off date for the purpose of computing pension, gratuity etc. for a Govt. servant retiring on or after a specified date has been upheld. A petition for condonation of delay has also been filed on the ground that the certified copy of the judgment dated 21.2.94 was received on 3.3.94, and when the matter was under examination, Shri Fateh Singh had filed a CCP on which was ultimately dismissed on 18.7.94. Meanwhile, the Hon'ble Supreme Court's judgment in P.N. Menon's case (Supra) came to the respondents' notice (UOI), whereupon they filed this R.A.

5. Reasons given for condonation of delay are not satisfactory. The fact that Shri Fateh Singh had filed a CCP bearing No. 224/94, which was dismissed vide order dated 18.7.94, is by itself not sufficient to explain why this review application could not have been filed within time, and the judgment in P.N. Menon's case (Supra) was also decided by the Hon'ble Supreme Court on 17.3.94 i.e. less than a month after the impugned judgment was delivered on 21.2.94, and yet R.A. was filed on 14.9.94 i.e. nearly six months thereafter.

6. Thus, this R.A. is hit by limitation, and

*Anjoli*  
(S.R. ADIGE)  
MEMBER (A)