

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL SECRETARY, NEW DELHI

R.A. 383/94 IN

O.A. No. 2234/93

New Delhi, This the 22nd Day of November 1994

Hon'ble Shri P.T. Thiruvengadam, Member(A)

Anand Prakash Quanango
Assistant Controller of Stores(Retd)
COFMOW, Tilak Bridge, New Delhi
Resident of C-6/80, Lawrence Road
Keshav Puram, Delhi 110035.

...Applicant

(Through Shri M L Sharma, Advocate)

Versus

1. Union of India through
General Manager
Northern Railway Headquarter
Baroda House: New Delhi.
2. Chief Personnel Officer
Northern Railway
Baroda House, New Delhi.
3. Chief Administrative Officer
Central Organisation for
Modernisation of Workshop
Indian Railways, Tilak Marg
New Delhi.

...Respondents

By Circulation

O R D E R

Hon'ble Shri P.T. Thiruvengadam, Member(A)

This review application has been filed for reviewing the decision in OA 2234/93 decided on 30.9.94. The prayer made in this RA is for a direction to the respondents for fixing the pay of the applicant as ACOS at Rs.2825/- as on 21.11.90.

2. The OA had been filed and in the prayer for relief the following was prayed:-

- (i) To quash the Annexure A-1 and A-2.
- (ii) To direct the respondent to fix the pay of the applicant @ Rs.2900/- p.m. and re-calculate the pensionary benefits or
alternatively

to fix the pay of the applicant after allowing

stepping up of this pay vis-a-vis his junior
Satinder Pal Singh and re-calculate his
pensionary benefits.

Or alternatively

to direct the respondents to pay the pensionary
benefits to the applicant on the basis of 10
months pay formulae on last pay.

(iii) to direct the respondents to arrange the
difference due to the applicant and pay
accordingly after granting (i) and (ii) above.

(iv) to pass such other and further orders as
deemed fit and proper.

At the time of arguments, the learned counsel for
the respondents pointed out that the applicant had
been fixed at Rs.2525 plus Rs.150 as personal pay
with effect from 21.11.90 and at Rs.2600/- plus
Rs.75 personal pay with effect from 1.11.91 as
per Annexure R-2, based on relevant instructions
dated 31.12.85 (Annexure R-1). Annexure R-2 was
issued in modification of the earlier fixation
vide Annexure A2 to the OA. The learned counsel
for the applicant Shri R K Kamal who argued the
case did not raise objections to this fixation
and hence in the oral order it has been recorded
that "these fixations are not disputed". There
was also no necessity to go into Annexure A1 to
the OA, which communication too dealt with fixation
of the pay.

3. As regards the second relief, one of the
alternative prayers was for a direction to the
respondents to pay the pensionary benefits on
the basis of 10 months pay determined on last pay
drawn. It was mentioned by Shri R K Kamal, the
learned counsel for the applicant who argued the
case that the applicant had not been settled on
the basis of the pay actually drawn by him. Hence

it has been recorded in the order "the limited issue on which the relief is sought" is with regard to the payment of pension. After discussing the points raised, only admissibility of personal pay for pension purposes has been left to be decided by the respondents who were given specific directions in this regard. Thus, it is inappropriate to re-agitate the issue regarding fixation/payment of pension by filing a Review Petition and that too by a counsel other than the one who argued the case and who was present during oral dictation of the final order.

4. In the circumstances, the RA is dismissed as totally mis-conceived. No costs are being imposed since the RA has been disposed of by circulation.

P. T. Thiruvengadam

(P.T. THIRUVENGADAM)
Member(A)
22-11-94

LCP