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(91)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.No. RA 191/91 in  
OA 277/86

Date of decision: 14.05.1992

Shri Chandan Singh

...Petitioner

Vs.

Government of India Press and Another

...Respondents

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice-Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *M*

JUDGMENT

(of the Bench delivered by Hon'ble Shri P.K. Kartha,  
Vice-Chairman(J))

The petitioner in this RA is the original applicant in OA 277/1986 which was disposed of by judgment dated 17.9.1991. In OA 277/86, the petitioner has prayed that the impugned order of retirement dated 30.07.1985 be set aside and that it be held that he cannot be retired before 30.04.1988, namely, before he attained the age of 60 years in accordance with FR 56(b). After going through the records of the case and hearing the learned counsel of both parties, the Tribunal found no merit in the application and dismissed the same. It was observed that though the petitioner was due to retire on 30.04.86 on attaining the age of 58 years, he continued to serve till 30.04.88 under the said orders granted by this Tribunal. It was directed that his continuance in service beyond 30.04.86 would have to be in the nature of reemployment and not as regular service. Accordingly, his

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reemployment pay would have to be reduced by the pension and the pension equivalent of gratuity for the period from 30.04.86 to 30.04.88.

2. In the RA the petitioner has stated that Misc. Petition No.2713/90 filed by him in OA 277/86 was pending disposal but the same has not been disposed of along with the main application. On going through the records of the case it is seen that notice had been issued of the said MP to the respondents on 6.11.1990.

3. In MP 2713/90, the petitioner had prayed for a direction to the respondents to release the amount of DCRG and commuted pension along with interest at the rate of 24% per annum till the date of payment. The respondents had stated in their reply to the MP that the petitioner had not yet cleared the Govt.dues and had not yet vacated the Government accommodation. He had also not surrendered the Identity card/CGHS Card. According to them a sum of Rs.20,090/- and Rs.8,204/- are still to be cleared by the petitioner which included the licence fee of the quarter before claiming the Death-cum-Retirement Gratuity. He should also fill up the prescribed forms for commutation of 1/3rd portion of pension.

4. The petitioner has stated in <sup>his</sup> ~~their~~ rejoinder-affidavit that the action of the respondents in imposing penal and market licence fee has been challenged by him in OA 763/91 - Chandan Singh & Others Vs. U.O.I. & Others, which was pending in the Tribunal.

5. In our opinion, the prayer sought in MP 2173/90 does not flow from the main relief sought by the petitioner in OA 277/86. OA 277/86 has already been disposed of by judgment dated 17.09.1991. With the disposal of the main application, all MPs filed thereunder would not survive.

6. We do not see any error of <sup>law</sup> ~~act~~ apparent on the face of the judgment. The petitioner has also not brought any fresh facts warranting a review of our judgment. The RA is accordingly dismissed.

There will be no order as to costs.

*B.N. Dhoundiyal*  
(B.N. DHOUNDIYAL)  
MEMBER (A)  
14.05.1992

*P.K. Kartha*  
(P.K. KARTHA)  
VICE CHAIRMAN(J)  
14.05.1992

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