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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

C.C.P No.443 of 1993

in

O.A.No.991 of 1988

New Delhi this the 23rd of February, 1994.

S.P.Sareen,
Ex.Assistant Accounts Officer,
Hd.Qrs Office, Baroda House,
New Delhi.

By Advocate Shri K.K.Puri

.....Applicant.

Versus

Shri S.Masihuzzaman,
General Manager,
Northern Railway,
New Delhi.

By Advocate Shri R.L.DhawanRespondent.

CORAM:

Hon'ble Mr.Justice B.C.Saksena,Vice-Chairman,
Hon'ble Mr.S.R.Adige, Member(A)

ORDER

By Hon'ble Mr.S.R.Adige, Member(A).

Shri R.L.Dhawan, learned counsel for the respondent stated that the amount due to the applicant would be paid within a period of two months from this date, subject to the final decision of the Supreme Court that may be rendered in the appeal challenging the decision sought to be enforced in these proceedings. He, however, stated that as the applicant has already opted for 100% commutation of pension, the amount of provisional pension now may be difficult to recover in the event of SLP being decided in favour of the respondent, unless a direction is given by the Tribunal.

2. Shri K.K.Puri, learned counsel for the applicant, however, emphasised that no such direction has been given in any similar case and in fact no such direction was necessary. He urged that if any

such direction is given by the Tribunal, it would be patently discriminatory.


3. In view of the statement made by Shri Dhawan at Bar, ^{that is} the payment of the amount due to the applicant would be made within two months from this date, we drop these proceedings having regard to the fact that no time limit as such has been fixed in the judgment of the Tribunal.

4. If the respondents apprehend any difficulty in recovering the amount to be paid provisionally, in the event of SLP being decided in their favour, they would be at liberty to secure from the applicant an indemnity bond for the required sum.

5. If the amount as undertaken to be paid by the respondents is not paid within the specified time, it will be open to the applicant to seek revival of these proceedings.

6. In the light of what has been stated above, these proceedings are accordingly dropped.


(S.R. ADIGE)
MEMBER(A)


(B.C. SAKSENA)
VICE-CHAIRMAN(J)

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