

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

N E W D E L H I

R.A. No. 111/90 in
O.A. No. 2202/89
T.A. No.

199

DATE OF DECISION 7-9-1990

Shri Ishverlal J. Naik

Petitioner

Advocate for the Petitioner(s)

Versus

Administrator of Daman & Diu & Respondents
Drs.

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P. K. KARTHA, VICE CHAIRMAN(JUDL.)

The Hon'ble Mr. D. K. CHAKRAVORTY, MEMBER(ADMINISTRATIVE)

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? PN
3. Whether their Lordships wish to see the fair copy of the Judgement? PN
4. Whether it needs to be circulated to other Benches of the Tribunal? No

(Order of the Bench delivered by Hon'ble Mr. D.K. Chakravorty, Member(Administrative) in Circulation)

ORDER

The petitioner in this petition is the Original Applicant in OA No. 2202/89, which was disposed of by the Tribunal's judgement dated 9.8.1990, wherein he had prayed for a declaration to the effect that he stood voluntarily retired on and from 3rd October, 1989 and that he be declared entitled to get pension for the period from 3.10.89 onwards and in the event of his death, his wife be entitled to get the family pension. The Tribunal held that the petitioner

must be deemed to have retired with effect from 3.10.89, on the expiry of the notice period of 90 days from 3.7.1989. It was also held that he would be entitled to proportionate pension and other retirement benefits admissible under the rules.

2. The petitioner has alleged that certain typographical errors have crept up in the judgement and he has listed 6 of them in the petition as under:

- " I. On page 3 of the Judgement, in Para No 6, in Line No.2, the 'date' ought to have been: '12-05-1966' instead of 15-02.1966;
- II. On page No.3 of the Judgement, in Para No.7, the 'date' ought to have been : '8.3.1985' instead of 9.3.1985;
- III On page No.3 of the Judgement, in Para No.7, at the end of Line No.6th, the word: 'Civil' needs to be added;
- IV. On page No.4 of the Judgment, in line No.2, the 'date' ought to be: '2.4.1984' instead of 2.8.1984;
- V. On page No.4 of the Judgment, in Para No.9th, in line No.6th of the said para No.9th, the 'date' ought to have been : '11.6.1976' instead of 5.6.1976;
- VI On page No.5 of the Judgment, in Para No.12th in Line No.6th thereof, the 'date' ought to have been: '11.6.1976' instead of 5.6.1976."

3. We have gone through the relevant original records of the case and are satisfied that first three

errors mentioned by the petitioner are typographical errors apparent on the face of the record and they deserve to be corrected. Accordingly, we have corrected these errors in the original copy of the judgement dated 9.8.1990.

4. The fourth "error" pointed out by him is that he had been paid full salary and allowances for the period from 10-6-1976 to 2.4.1984 and not upto 2.8.1984 as mentioned in paragraph 8 of the judgement. Here, there is no typographical error as these dates have been taken from the judgement of this Tribunal in Ishverlal J. Naik vs. The Director of Accounts, Admn. of U.T. of Daman and Diu (1990(1) S.L.J. (CAT) 1 (at page 4) wherein the Tribunal observed as follows:-

".... the salary and allowances due to the applicant from 10-6-1976 to 2.8.1984 aggregating to Rs. 1,24,000/- had been paid to him."

The aforesaid judgement was relied upon by the petitioner during ~~the hearing~~ when he did not point out any discrepancy relating to the dates.

5. The fifth and sixth errors pointed out by the petitioner relate to the regularisation of the period of his absence from duty. The petitioner states that the regularisation should be from 11.6.1976 instead of 5.6.1976 as mentioned in paragraphs 9 and 12 of the judgement.

6. Here again, we do not see any typographical error as the respondents' order dated 2.4.1984 at Annexure A-2, page 17 of the paper-book in

OA 2202/89 refers to " the order for regularisation of the period of absence from duty from 5.6.1976".

7. Accordingly, we partly allow the Review Application and have made the following corrections in our judgement dated 9.8.1990.

(i) On page 3 of the judgement, in para 6, in line No.2, the date has been corrected as 12.5.66 instead of 15.2.66. Accordingly, the sentence will now read as follows:

" Admittedly, the applicant has worked for over 20 years in three spells from 12.5.1966 to 3.1.1988."

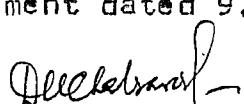
(ii) On page 3 of the judgement, in para 7, in line No.3, the date has been corrected as 8.3.85 instead of 9.3.85; and

(iii) On page 3 of the judgement, in para 7, at the end of line 6, the word 'Civil' has been added.

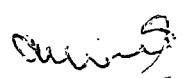
Accordingly, the corrected version covering points (ii) & (iii) will be as follows:

" It will be noticed that there is a break of service between the 2nd and 3rd spells, mentioned above. He did not join duty from 2.4.1984 to 8.3.1985. If this interruption between the 2nd and 3rd spells of service is to be ignored, he would be eligible for seeking voluntary retirement under 48-A of the Central Civil Services (Pension) Rules, 1972."

8. Review Application stands disposed of with the above directions. Let the corrected copy of the judgement dated 9.8.1990 be sent to both the parties.


(D.K.CHAKRAVORTY)

MEMBER


(P.K.KARTHA)

VICE CHAIRMAN