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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO. 123/93 in
O.A. NO. 502/89

DECIDED ON : 27-08-1993

Shri A. D. Luthra ... Petitioner

Vs.

The Director General,
Employees State Insurance
Corporation ... Respondent

CORAM :

THE HON'BLE MR. B. N. DHOUNDIYAL, MEMBER (A)
THE HON'BLE MR. B. S. HEGDE, MEMBER (J)

Petitioner through Shri G. D. Gupta, Counsel

O R D E R

Hon'ble Mr. B. N. Dhoundiyal, Member (A) :

This review application has been filed by Shri A. D. Luthra praying for recall of the judgment of this Tribunal dated 16.2.1993 in O.A. No. 502/89.

2. The applicant had worked in the Employees State Insurance Corporation (ESIC) from 13.6.1962 to 17.3.1977 when he joined the Project & Equipment Corporation of India. Thereafter from 13.7.1983, he joined Maruti Udyog Ltd. He had claimed payment of monthly pension on pro rata basis, carry forward of his earned leave or its encashment and compensation for delay in releasing the lumpsum amount. This Tribunal did not find ~~such~~ ^{his} claim as sustainable in view of the following option given by him on 9.10.1986 :-

"I request that my pension may please be commuted with reference to Rule 37-A (a) (b) and I surrender the right of drawing 2/3 of my pension.

The above undertaking has also been given in my applications for pension which should have been treated as implied. However, requirement, as desired, has been fulfilled."

3. In the review application, these conclusions have been challenged on the ground that the petitioner was permanently absorbed in Project & Equipment Corporation of India and not in Maruti Udyog Ltd. and that the memo dated 29.8.1984 as made applicable to ESIC vide memo dated 10.8.1984 did not at all apply to his case. He has reiterated his claim for pension from 17.3.1977 in accordance with the Ministry of Finance memo dated 8.4.1976. All these points have been duly covered in the judgment dated 16.2.1993 which has taken into account the aforementioned option given by the applicant as also Rule 37-A of the C.C.S. (Pension) Rules, 1972. No new facts or any error apparent on the face of judgment have been brought to light in the review application.

4. In the light of above, we see no merit in the present review application and the same is dismissed.

B. S. Hegde
(B. S. Hegde)
Member (J)

B. N. Dhoundiyal
(B. N. Dhoundiyal) 17/8/93
Member (A)

as