

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

RA No.188/90 in
O.A. No. 438/89
T.A. No.

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DATE OF DECISION 14.02.1991Shri R.S. SrinivasanPetitionerAdvocate for the Petitioner(s)VersusU.O.I. through Min. of Public
Grievances & PensionRespondentAdvocate for the Respondent(s)**CORAM****The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)****The Hon'ble Mr. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER**

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

JUDGMENT

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

The petitioner is the original applicant in OA 438/89 and OA 2064/89 which were disposed of by a common judgment dated 26.10.1990. He was aggrieved by the decision of the Government of India in not giving to him the full retirement benefits. In OA 438/89, he had sought for inclusion of the D.A. drawn by him before retirement in the average emoluments and refixing his pension from 1.10.1977 and payment of arrears from 1.10.1977 as per the Supreme Court's judgment dated 17.12.1982 in D.S. Nakara Vs. Union of India. In OA 2064/89, he had prayed for payment of arrears arising from the reduction from 30 months to 10 months in the calculation of average emoluments for refixing pension from 1.3.1976 to 31.3.1979.

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2. After going through the records of the case carefully and hearing the rival contentions, the Tribunal directed the respondents to verify from the pension disbursing authority as to how the pension of the petitioner was recomputed in terms of OM dated 21.10.1983. The pension disbursing authority was directed to work out the amount of pension payable under the ad hoc formula as well as in accordance with the calculations based on the service records of the applicant, if the same was feasible. If on such verification, it is found that adoption of either of the two methods is more beneficial to the applicant, he may be given the revised pension which is more beneficial to him from 1.4.1979, as a special case.

3. After going through the grounds raised in the present petition, we see no error apparent on the face of the judgment. The petitioner has also not brought out any new facts warranting a review of the judgment. It may be that the petitioner is aggrieved by the decision of the Tribunal. In that case, the remedy for him will be to take the matter in appeal in the Supreme Court and not to reagituate the matter by filing a review petition.

The petition is, therefore, rejected.


(D.K. CHAKRAVORTY)
ADMINISTRATIVE MEMBER


(P.K. KARTHA)
VICE CHAIRMAN(J)