

(S) (16)

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

RA 56/2006
in
OA 545/2004

New Delhi, this the 20th day of April, 2006

Hon'ble Shri Mukesh Kumar Gupta, Member (J)

M.G. Goel
S/o Late Shri Devi Ram
R/o E-80, East of Kailash
New Delhi – 110 065.
Retd. Superintendent from
Directorate of Education, Delhi.

...Review applicant

(By Advocate Shri T.D. Yadav)

VERSUS



1. Chief Secretary
Govt. of NCT of Delhi
IP Estate, New Delhi.
2. Director of Education
Govt. of NCT of Delhi
Old Secretariat, New Delhi.
3. Controller of Accounts
Principal Accounts Office
Govt. of NCT of Delhi
A-Block, Vikas Bhawan
I.P. Estate, New Delhi.
4. Pay & Accounts Officer No.1
Govt. of NCT of Delhi
West Block No.1
R.K. Puram, New Delhi – 110 066.

...Respondents

ORDER (ORAL)

Heard Shri T.D. Yadav, learned counsel appearing in RA 56/2006.

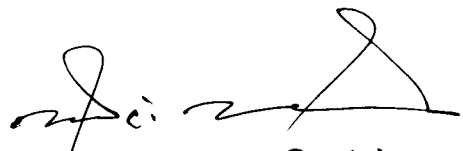
2. By the present RA, applicant seeks review and recall of an order dated 23.12.2004 passed in OA 545/2004 whereby the OA was allowed and certain directions were issued to the respondents to pay the applicant "interest on delayed payment of pensionary benefits, i.e., gratuity, leave encashment, arrears of pension etc. @ 12% p.a. as has been allowed in the similar cases by this Tribunal as also by the Hon'ble Supreme Court in the case mentioned above".

The basic contention raised is that the word "commuted pension" has not been specified under the aforesaid order and, therefore, he has not been paid interest on such commutation of pension, and as such the word commutation of pension be inserted and added in the aforesaid order. On a repeated query

raised as to what is precise error apparent on the face of the record in the aforesaid directions, it is contended that in the interest of justice at least such term "commuted pension" be included. Reliance is placed on JT 2000 (5) SC 171 **Vijay L. Mehrotra v. State of U.P. & Ors.** to contend that commutation of pension would certainly be included in the term retrial benefits.

3. I have carefully perused the order dated 23.12.2004 as well as the judgement of Vijay L. Mehrotra (supra). On perusal of the order dated 23.12.2004, I find that the OA was filed against the respondents' action in rejecting his request to grant interest on delayed payment of pensionary benefits which according to him were paid 7 years after they became due. The applicant attained the age of superannuation on 31.10.94, and at that time he was under cloud as FIR had been lodged against him. The clean chit was given by the Anti Corruption Branch vide letter dated 5.10.2001 and, therefore, the necessary dues were released vide letter dated 24.12.2001. It is not in dispute that the pensionary benefits which were required to be paid, were released to him on different dates in the year 2000-2003. The Tribunal after hearing both the sides and on perusal of the record had rendered the aforesaid judgement & order. The very fact that such term "commutation of pension" had not been included therein itself goes to show that it was a conscious decision taken by the Tribunal not to grant interest on such aspect. It is not the contention of the applicant that non-inclusion of such word is an error apparent on the face of record. In these circumstances, there being no specific error apparent on the record, I find no justification in the present review.

Accordingly, the same is dismissed particularly when the scope of review application is very limited, as repeatedly held by the Hon'ble Supreme Court.


(Mukesh Kumar Gupta)
Member (J)

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