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Central Administrative Tribunal, Principal Bench, New Delhi

R.A.No.169/2004 in
O.A.No.1151/2004

**Hon'ble Mr.Justice V.S. Aggarwal, Chairman
Hon'ble Mr.S.A. Singh, Member(A)**

New Delhi, this the 27th day of January, 2005

**Shri Vishwa Vibhuti
S/o Shri
R/o 178, Munirka Enclave
New Delhi-110067**

...Applicant

(By Advocate: Shri Y.S. Chauhan)

Versus

- 1. Union of India
Through Secretary,
Ministry of Health,
Nirman Bhawan, New Delhi**
- 2. Director General Health Services,
Ministry of Health,
Nirman Bhawan, New Delhi**
- 3. Chief Controller of Accounts,
Ministry of Health,
Nirman Bhawan, New Delhi**
- 4. Drug Controller of Accounts,
Ministry of Health,
Nirman Bhawan, New Delhi**
- 5. Pay & Accounts Officer,
Ministry of Health & Family Welfare,
Govt. Medical Store Depot**

....Respondents

(By Advocate: Shri Madhav Panikar)

Order(Oral)

Justice V.S. Aggarwal, Chairman

The applicant had filed O.A. No.1151/2004. He had challenged the order passed dated 26.5.2003 whereby he was ordered to be compulsorily retired from service with 30% cut in the pension otherwise admissible on permanent basis. He was seeking reinstatement with consequential benefits.

2. This matter came up for hearing on 11.5.2004. On that date, the petition was admitted and notice was issued to the respondents.

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3. The petition came up for hearing on 25.5.2004. On the said date, the following order was passed:

"The only relief prayed in this OA is that vide order dated 26.5.2003, 30% cut has been imposed in the pension. The applicant prays that the balance pension amount should be paid to him.

2. On instructions, learned counsel for respondents states that since the payment is under consideration as per the impugned order, they are willing to pay the same to the applicant.

3. Accordingly, the respondents are directed to pass necessary orders in this regard in accordance with law and rules preferably within two months from the date of receipt of a certified copy of this order.

4. O.A. is disposed of."

4. By virtue of the present application, the applicant seeks review of the said order contending that the petition stood already admitted. On the next date of hearing, only interim relief was to be claimed. The applicant had not only claimed that balance payment should be made but also pertaining to quashing of the order the pension and thus there is error apparent on the face of the record.

5. The assertions of the applicant's learned counsel are being denied by the learned counsel for the respondents.

6. We have heard the parties counsel and have seen the relevant record.

7. Perusal of the order clearly shows that when the matter came up for hearing on 25.5.2004, the only relief prayed at that time was that though there was 30% cut that had been imposed, the balance pension amount should be paid to the applicant. The respondents' learned counsel, on instructions, had stated that they were willing to pay the balance amount.

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Accordingly, the respondents were directed to pass necessary orders in this regard within two months.

8. When the facts are disputed at the Bar, we find no reason to deviate from the order passed by this Tribunal. Keeping in view the same, we find little ground to state that there is any error apparent on the face of the record. Review application must fail and is dismissed.



(S.A. Singh)

Member(A)



(V.S. Aggarwal)

Chairman

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