

**Central Administrative Tribunal  
Principal Bench, New Delhi**



**R.A.No.81/2020  
in  
O.A. No.2572/2016**

**This the 24<sup>th</sup>day of March, 2021**

(Through Video Conferencing)

**Hon'ble Mr. Pradeep Kumar, Member (A)**

1. The General Manager  
Northern Railway,  
Ministry of Railways,  
Head Office, Baroda House,  
KG Marg, New Delhi.
2. Deputy Chief Personnel Officer (H.O.),  
Northern Railway, Head Office,  
Baroda House, Kasturba Gandhi Marg,  
New Delhi-110001.
3. Divisional Railway Manager,  
Northern Railway DRM Office,  
Civil Lines, Near Railway Stadium,  
Moradabad-244001
4. Divisional Finance Manager,  
DRM Office, Northern Railway,  
Near Railway Stadium,  
Moradabad-244001 ... Applicants

(Through Advocate Shri V.S.R.Krishna and  
Shri A.K.Srivastava)

**Versus**

Sunehari Devi Jatav,  
W/o Late Sh. Phool Singh Jatava,  
Age 84 years,  
R/o SL-22, Shastri Nagar,  
Ghaziabad-201002 (Uttar Pradesh)  
Through Attorney, Mukesh Kumar,  
S/o Late Sh. Phool Singh Jatava,



R/o Flat No.19,Ground Floor,  
Type-IV, Delhi Govt. Officers' Flats  
33- Rajpur Road, Civil Lines,  
Delhi-110054. ... Respondents

(Through Advocate Shri Mukesh Kumar)

### **ORDER (Oral)**

#### **Hon'ble Mr.Pradeep Kumar, Member (A):**

The applicant in this OA is a widow of an Ex Railway Employee, who had superannuated in the year 1988. He was in receipt of pension. He unfortunately expired on 25.09.2005. The applicant filed the OA in the year 2016 alleging that correct amount of pension was not indicated in the Pension Pay Order (PPO) issued in the year 1988 right from the very beginning.

2. The delay in filing the OA was condoned. When the matter was taken up for hearing by the Tribunal, the respondents realised that there was indeed an error in the PPO issued in the year 1988 and that needs correction. Reply was not filed and the corrected PPO was issued on 13.2.2019.

3. When the OA was taken up by the Tribunal, this submission of the respondents was noted and the OA was allowed on 25.7.2019. At that stage,



theoral submissions of the respondents were taken into account as no reply was filed by them. The Tribunal also directed for payment of arrears along with interest at GPF rate for the period w.e.f. superannuation.

4. The respondents Railway has now preferred instant RA seeking review of these directions. The respondents relied upon following two judgments  
(i) **Shiv Dass vs. UOI**, (2007) 9 SCC 274(ii)  
**S.Vaidhyanathan vs. The Govt. of Tamil Nadu & ors.**, by Hon'ble High Court of Judicature at Madras, W.A. No.2756/2018.
5. It is pleaded that applicant had filed the OA very late and it was time barred and arrears/interest could not have been ordered for period exceeding three years as ruled in relied upon judgements.
6. On the specific query from the Tribunal as to who were the petitioners before Hon'ble Apex Court in these two cases (Para 4 supra), it was fairly submitted by the learned counsel for the respondents that in those two cases, it was the



retired employee himself/herself who was the petitioner before the Hon'ble Apex Court.

7. Learned counsel for the applicant relied upon the following three judgments:

**(1) Dwarka Das vs. State of Madhya Pradesh and Anr. (1999) 3 SCC 500)**

**(2) The Tropical Insurance Company & others vs. Union of India & Anr., (AIR 1955 SC 789)**

**(3) Dr. Anuradha Bodi v. MCD, (1998) 3 SCALE 453)**

The applicant pleaded that at the review stage the purview of the court is limited to examine whether there is an error apparent on the face of record. The applicant also relied upon a judgment by Hon'ble High Court of Delhi in WP(C) No.1502/2017 dated 15.3.2017 (**Suresh Kumar Verma Vs. Jamia Millia Islamia University and anr.**).

Based upon these judgments it was pleaded that once the case was decided on oral arguments (By respondents in OA who did not file reply), the opposite party (Applicants in RA) cannot now contend and plead that there is error apparent in the judgment and seek a review. In this context it was specifically brought out that while OA



has been adjudicated, the respondents had chosen not to file reply and case was decided based upon oral argument alone and action taken by Respondents in issuing revised PPO.

8. Per contra, the respondents pleaded that while filing the RA, certain delay was there which was already condoned by the Tribunal. As such, the argument being put forth by the applicant in the OA, is not relevant.

9. The matter has been heard. Shri Mukesh Kumar, learned counsel represented the applicant and Sh. V.S.R.Krishna, learned counsel represented the respondents.

10. The instant case is one where certain error had occurred on the part of the respondent-Railway in preparing Pension Payment Order in 1988. When this came to light at the stage of hearing of OA, the late employee had already expired and it was the widow who was in receipt of family pension. She had approached the court seeking correction to the said PPO. It goes to the credit of the respondent-Railways that they realised their mistake and rectified the PPO.



However, the facts remains that whatever the legitimate amounts were due to the late employee as well as to the widow, they were not paid to them at relevant point of time. The Tribunal was pleased to allow the interest to compensate the applicant for such denial of use of legitimate money which was actually due to applicants.

11. The Respondents pleaded that the period of interest needs to be limited to three years. However, what needs to be appreciated herein is that the applicant is a widow who may not be aware about various official procedures etc. and it may have been at certain late stage only that she may have come to know of certain error in PPO and it was rectified only after the OA was filed. The compensation by way of interest for entire period was ordered as per judgement.

The period may be more than three years but Tribunal does not find any error apparent on the face of record and accordingly the RA is dismissed. The order already passed on 25.7.2019 stands.

(Pradeep Kumar)  
Member(A)

