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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

R.A. No. 82 of 1995 In  
O.A. No. 1697 of 1993

Allahabad this the       day of November, 1995

HON'BLE MR. K. MUTHUKUMAR, MEMBER(A)  
HON'BLE MR. J.S. DHALIWAL, MEMBER (J)

Shri Inder Jit Oberai  
S/o Late Shri Ganda Mal Oberai,  
6-E, Haxiapur,  
Bareilly.

..Applicant

None for the applicant.

Versus

1. Union of India through Chairman,  
Telecom Commission,  
New Delhi.
2. The Chief General Telecom,  
U.P. Circle,  
Lucknow.
3. Shri S.P. Misra,  
General Manager,  
Finance U.P. Telecom Circle,  
Lucknow.
4. Shri M. Shankaran,  
Chief Accounts Officer,  
U.P. Telecom Circle,  
Lucknow.
5. Shri R.K. Srivastava,  
Accounts Officer,  
Telecom U.P. Circle,  
Lucknow.
6. Shri U.B. Chaudhry,  
Telecom Divisional Engineer,  
U.P.,  
Sultanpur.
7. Shri S.C. Misra,  
Dy. G.M. Administration  
Telecom U.P. Circle,  
Lucknow.

..Respondents

None for the respondents.

ORDER BY CIRCULATION

Hon'ble Mr. K. Muthukumar, Member(A)

This Review Application is filed for the

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review of the judgment dated 6.4.1995 in O.A. No. 1697 of 1993. The applicant is aggrieved that the market rate of penal rent claimed by him on the terminal benefits, payments of which were delayed by the respondents in the aforesaid O.A. was not adjudicated upon in the above order and that the specific prayer for direction to the respondents to sanction T.A. Bill for May, 1968 from Bareilly to Nainital with interest was also not decided.

2. A Review Application lies only when a mistake or any error apparent on the face of the record is brought to light. Para 8 of the judgment reads as follows:-

" Regarding the claim of the applicant for interest on period payment of gratuity. We find that it will not be necessary to pass any specific order. In view of the averments made by the respondents that the matter has been referred to the Ministry of Communication for obtaining sanction. We, however, direct that the respondents to expedite the sanction for the payment of interest admissible under the Rules and also taking into account the delaying payment of the D.C.R.G. of the applicant within a period of three months from the date of the receipt of the certified copy of the order. We, however, reject his relief prayed for payment of market rate of penal interest on the payment of transfer T.A. Bill for May, 1968".

3. The above direction was made after taking into account the averments of the respondents' that interest as provided under the rules had been recommended to be sanctioned, and in recommending the interest, the respondents had worked out the interest at 7% and 10% after taking into account the period of delay in the payment at the rates as provided in G.I. decision dated 28.7.1994 under Rule 68 of CCS (Pension) Rules, 1972 and we had not found it necessary to interfere with this.

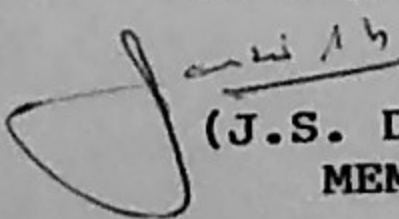
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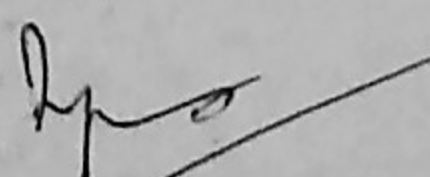


We find no error apparent on the face of the record. The decision of the Apex Court in the case of Khazan Chand and Others Vs. State of Jammu and Kashmir and Others, AIR 1984 SC 762 cited by the applicant, relates to imposition of interest according to scale of rates provided under Section 8(2) of the Central Sales Tax Act, and has no<sup>4</sup> direct application to the present case. In the other decision relied upon by the applicant, viz. State of Kerala and Others Vs. M. Padmanabhan Nair, AIR 1985 SC 356, the matter relates to delayed payment of retirement dues in general in respect of a State Government employee and their Lordships had reiterated the need for prompt payment of retirement benefits and were inclined to allow current market rate, although, they did not enhance the rate to 12% due to other reasons in that case. This decision is, however, not helpful to the applicant. In the case of the applicant, payment of interest on delayed payment of gratuity is governed by specific orders of the Government of India. In view of this, the claim of the applicant was not found to be tenable.

4. As regards the other ground regarding the non-payment of T.A. Bill for May, 1968, we find that the matter had already been covered by the order dated 16.5.1994 in the Contempt Petition No. 1128 of 1993 and the applicant cannot, therefore, raise the matter again in another application.

5. In view of the above, the Review Application is rejected.

  
(J.S. DHALI WAL)  
MEMBER (J)

  
(K. MUTHUKUMAR)  
MEMBER (A)