

**Central Administrative Tribunal, Lucknow Bench,
Lucknow**

Review Application No. 20 of 2008

In

Original Application No. 153/2007

This the 1st day of July, 2010

Hon'ble Dr. A.K. Mishra, Member(A)

B.S.N.L. & Another

...Applicant

By Advocate: Sri G.S. Sikarwar

Versus

S.K. Bhatnagar

.....Respondent

By Advocate: Sri M.A. Siddiqui

ORDER

Heard both parties.

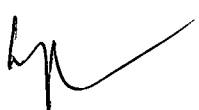
2. Learned counsel for the review applicants canvassed the following two points: (i) that O.A. was filed after a long delay and without considering the objection of the respondents about Application being barred by limitation the O.A. was taken up for hearing on merits; (ii) no direction could be issued to BSNL when the Tribunal did not have any jurisdiction over the BSNL when the application was admitted and subsequently when the orders were passed.

3. Learned counsel for the review respondent replied that the fact of delay was duly considered by this Tribunal and delay was condoned on merits. This ground cannot be taken up in review forum as the present Court cannot sit in

appeal over the decision of its predecessor on a point of law and facts relating to delay. It was further argued by the learned counsel for review respondent that there was no jurisdictional error as the applicant (review respondent) retired as a government servant from Telecom department of Central Government. The subject matter also pertains to his post-retiral dues as a government servant, therefore, there was no error in entertaining the Application.

4. It was further argued on behalf of review applicants that there was no dispute about entitlement of the applicant in the O.A. for payment of commuted value of pension. He claims that State Bank of India, Maharajganj Branch was asked to prepare demand drafts for payment of commuted value of pension, which were made and subsequently dispatched to the applicant in the O.A. as seen from the entries made in the Cash Book of the office maintained for the relevant period. The entries show that three demand drafts amounting to Rs. 418/-, Rs.1000 and Rs.85000 respectively had been paid to Sri S.K. Bhatnagar (applicant in the O.A.). In view of such payments, there was no obligation on the respondents-department to make fresh payment again.

5. After hearing the rival contentions and going through the order passed in Original Application, I find that this Tribunal had given directions on 7.1.2008 in O.A. no. 153 of 2007 to the respondent-authorities to check whether there was valid proof of receipt of cheque by the applicant. It is now being contended by the respondent-authorities that cash book proved that Demand Drafts (not cheque) had been sent to the applicant.



6. I do not find any thing in the impugned order so as to sustain the review application. It is clear that there was no jurisdictional error as the applicant in the O.A. was a government servant and his claims were in respect of his post-retiral dues as a government servant. Similarly, this Tribunal had jurisdiction to condone the delay and in exercise of that power, the delay was condoned and the O.A. was admitted. As regards merits of the order, it cannot be interfered with in a review application treating it to be an appeal. If the review applicants are aggrieved with the order, they are at liberty to approach appropriate forum in the matter.

7. In the circumstances, I do not find any merit in this Review Application, which is accordingly dismissed.


(Dr. A.K. Mishra)
Member-A

Girish/-