

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
R.A. No. 18 of 1998
(Arising out of O.A.No. 42 of 1996)

Dated the 30th June, 2004

C O R A M

The Hon'ble Mrs. Shyama Dogra, Member (J)

The Hon'ble Shri Mantreshwar Jha, Member (A)

Ganesh Sharma ..

Applicant

By Advocate Shri Sudama Pandey

-versus-

The Union of India & others..

Respondents

By Advocate Shri S. Singh

O R D E R
(O R A L)

Mrs. Shyama Dogra, Member (J):- This R.A. has been filed by the applicant for modification of the orders passed by this court in O.A. 42 of 1996 decided on 3.4.1998 to the effect that since the applicant has not been ordered to be paid interest on the delayed payment of his retiral dues in spite of the fact that the said prayer has been taken note of by the court in the said order. Therefore, there is an error apparent on the face of the record for review of the said order.

2. It is submitted by the learned counsel for the respondents that the said prayer of the applicant cannot be said to be an error on the face of the record as no finding so far has been given by the court that there was any delay in payment of these retiral dues. However, both the counsel have failed to apprise of the fact as to when these retiral dues have been paid to the applicant.

3. We have heard learned counsel for the parties and

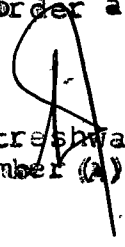
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carefully gone through the record.

4. After perusal of the order under review, it is found that none has put appearance on behalf of the respondents and an ex parte order has been passed to consider the prayer of the applicant for payment of outstanding retiral benefits such as pension, P.F., leave encashment, commuted value of pension, gratuity, etc. and determine the admissible amount within a period of two months in accordance with law, on receipt of this order. It appears from the order that since nobody has put appearance on behalf of the respondents, therefore, court has not given any finding with regard to payment of interest on delayed payment of these retiral dues which were due with effect from 31st May, 1991.

5. However, this cannot be said to be an error apparent on the face of the record to modify or review the order under challenge. But in the interest of justice, liberty is hereby given to the applicant to make a detailed representation to the respondents for redressal of his grievance for payment of interest on delayed payment of retiral dues in accordance with law. On receipt of such representation, the concerned respondents are hereby directed to pass appropriate reasoned and speaking order in accordance with law after giving an opportunity of being heard to the applicant while passing such order within a period of three months.

6. With this, this R.A. stands disposed of accordingly with no order as to costs.


(Mantreshwar Jha)
Member (A)


(Shyama Dogra) 30/6/01.
Member (J)