

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

R.P. No. : 56/99 IN O.A.No. 296/99

Dated this Thursday, the 13th day of January, 2000.

CORAM : Hon'ble Shri Justice R.G. Vaidyanatha, Vice-Chairman.

Smt. S. D. Kamble & Anr.

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Applicants in
original O.A.

(By Advocate Shri J. M. Tanpure)

VERSUS

Union of India & Others.

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Review
Petitioners.
(Respondents).

(By Advocate Shri R. R. Shetty
for Shri R. K. Shetty).

TRIBUNAL'S ORDER :

This is a Review Petition filed by the respondents seeking review of order dated 14.10.1999. I have heard Mr. R.R. Shetty for Shri R. K. Shetty, the Learned Counsel for respondents (Review Petitioner) and Shri J. M. Tanpure, the Learned Counsel for the original applicant.

While passing the order dated 14.10.1999, a direction is given to the respondents to pay pensionary benefits to the applicants. It is seen that the deceased employee was a member of the Contributory Provident Fund Scheme and had already drawn the benefit under that scheme. If now the pension is to be given, then naturally he will have to refund that amount or Government can adjust that amount while paying the pensionary benefits. By mistake or oversight, in the order dated 14.10.1999

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[Signature]

there is no mention about deducting the amount paid to the deceased employee towards Contributory Provident Fund. Hence, the order requires to be reviewed and necessary clarification has to be given.

2. In the review petition the respondents have also prayed for deducting interest on the Contributory Provident Fund paid to the deceased employee. If this is granted, then naturally the respondents will have to pay interest on the pension. Either the respondents will have to get interest on the provident fund and then pay interest on the pension or there should be no interest on both sides. Having heard both sides, I feel that in the circumstances of the case, there should be no interest either on pension or contributory provident fund.

3. In the result, the Review Petition No. 56/99 is hereby allowed. The operative portion of the order dated 14.10.1999 in O.A. No. 296/99 be amended by adding one more sentence that "Pensionary benefits to be paid to the applicant shall be less the contributory provident fund paid to the deceased official - Namdeo Satwa Gaikwad.

Copy of the amended order be furnished to both sides.

R.G. Vaidyanatha

(R.G. VAIKYANATHA)
VICE-CHAIRMAN.