

• BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

R.P.No.70/2000 in OA.NO.576/99

Dated this the 9<sup>th</sup> day of Feb. 2001.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Hon'ble Smt.Shanta Shastry, Member (A)

Smt.Girijabai Balu Bhapkar ...Applicant

V/S.

Union of India & Ors. ...Respondents

Tribunal's Order By Circulation

This is a review application under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 in respect of an order passed by this bench on 20.10.2000 in OA.NO.576/99.

2. The grounds for review are as under :-

(a) Since C.C.S. (Pension) Rules,1972 Govt. of India's decisions were re-numbered in the latest edition, the exact rule position could not be cited by the applicant's advocate at the time of hearing.

(b) In the result, OA. is partly allowed and the respondents are ordered to pay interest 12% p.a. on the amount of Family pension already due w.e.f. 10.2.1996. Thus even though the Hon'ble Tribunal awarded 12% interest on Family Pension, still the respondents could not pay/implement the order of this

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Hon'ble tribunal as the word "due" is in the sentence. The family pension has been already paid along with the arrears, but of course payment of the same is too much delayed.

(c) As per the rule-54 Govt. of India's decision No. 12 (5) death/retirement gratuity is to be paid after one year from the date of disappearance of the Govt. Servant. Hence death/retirement gratuity should have been paid on 14.9.1994 (Applicant's husband was missing since December, 1991 and FIR was lodged on 13.9.1993). The said rule further says if gratuity is not paid within 3 months, the interest shall be paid at the rates applicable and the responsibility for the delay should be fixed. Hence applicant is entitled for 18% interest on the amount of gratuity from 14.12.1994 till the date on which the amount of gratuity is paid. As per Exh.A-10 (page 34-35) vide PPO No.C-ACC/CORR/99 dated 6.12.1999 Retirement/death gratuity of Rs.10,440/- is awarded to the applicant but the pension disbursing authority, i.e. Bank of Maharashtra, Induri Branch, Tal.Maval, Dist. Pune has not credited the said amount to the pension account of the applicant.

(d) This applicant most respectfully states that G.P.fund is/was the subject matter of O.A. and no new case is made out in rejoinder at all.

(e) The applicant has prayed for salary due, leave encashment, PF etc. along with 18% interest thereon. Thus an amount payable towards Central Govt. employees Group Insurance Scheme is included in 'etc'.

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3. The perusal of the ground for review (a) as mentioned above, the applicant claims to argue the case afresh which cannot be permitted.

In respect of ground mentioned above (b), Para 12 of the order is to be read fully. The apprehension of the applicant can not be a ground for review.

In respect of ground mentioned above (c),(d) the matter has been dealt in para 9 of the order and we do not find any error on the face of the record.

Similarly, in respect of ground mentioned para (d), it is suffice to state that the allegation that word "etc" includes "Employees Group Insurance Scheme" is foreign either to common sense or any provision of law. The review petitioner must be aware of the fact that the pleadings should be specific for the reason that the opposite party can have an opportunity to meet the same.

4. The review application has been filed, which according to us, <sup>is</sup> a misuse of process of law. It has no merit and it is liable to be rejected and is rejected accordingly.

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(SMT. SHANTA SHAstry)

MEMBER (A)

*S.L.JAIN*

(S.L.JAIN)

MEMBER (J)

mrj.