

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.466/2000

DATE OF DECISION:

Friday, this the 28th Day of July 2000

Mrs. Lakshmi N. Dharmaraj ..... Applicant.

(Applicant by Shri S.P.Saxena, Advocate.)

Versus

Union of India & Ors.... Respondents

CORAM

Hon'ble Shri B.N. Bahadur, Member (A)

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?
- (3) Library.

B.N. Bahadur  
Member (A)

sj\*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

Original Application No.466/2000  
Friday. this the 28th Day of July 2000.

Coram: Hon'ble Shri B.N. Bahadur, Member (A)

Mrs. Lakshmi N. Dharmaraj  
(Ex-UDC) A-405/7  
Neelam Nagar, Mulund East,  
Bombay - 81.

..... Applicant

(Applicant by Shri S.P. Saxena, Advocate)  
vs.

1. Union of India  
through  
the Secretary,  
Ministry of Commerce,  
Deptt. of Supply,  
Parliament Street,  
New Delhi -1.
2. The Director General  
Dept. of Supply,  
Directorate General of  
Supplies and Disposal (D.A.)  
"Jeevan Tara", Parliament Street,  
New Delhi- 110 001.
3. Chief Controller of Accounts,  
Dept. of Supplies and Disposal,  
Akbar Road,  
New Delhi 110 011.      ... Respondents.

O R D E R (O R A L)

[Per B.N.Bahadur, Member (A)]:

This Application is made by Mrs. L.N.Dharamraj, who retired as UDC having sought voluntary retirement w.e.f. 16.3.1998. The Applicant comes up with the grievance that her retiral benefits have been paid to her after undue delay and, therefore, she has the right to claim interest on those amounts. Accordingly, she comes up with the prayer for relief for a direction for payment of interest at the rate of 18% per annum on all amounts paid to the Applicant. The interest is sought for the period from 17.3.1998 to date of payment. She has also asked for a direction

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for payment of Rs.14,478/- towards revision of pay, as per recommendations of Fifth Pay Commission.

2. I have heard the Learned Counsel Ms. Gohad on behalf of the Applicant and have perused papers in the case. The Applicant has made a representation dated 30th October, 1978 which is on record as Exhibit A.3 to the O.A. Learned Counsel for the Applicant states before me that this representation has not been decided. It would be desirable and necessary that the representation is first decided and I, therefore propose to issue directions in this regard to the Respondents.

3. This O.A. is, therefore, disposed of at the admission stage, with the following orders.

*Respondents are directed to consider the representation made by Applicant on 30th October, 1978 (copy at A.3). The representation shall be considered and decided as per Rules, and a detailed reply explaining the position regarding the decision taken shall be communicated to the Applicant within two months from the date of receipt of a copy of this order. If Applicant is aggrieved by the decision taken, remedy ~~the case~~ <sup>as per law</sup> shall be available to him, for filing O.A. in this regard, if so advised.*

*Liberty to the Applicant to send another copy of aforesaid representation at A.3 within 15 days from today, for administrative convenience. The O.A. is, therefore, disposed of accordingly. No Orders as to costs.*

*B.N. Bahadur*

(B.N. Bahadur)  
Member (A),

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

R.P.42/2000 IN O.A. NO.466/2000

TRIBUNAL'S ORDER

DATED 14.12.2000

Learned Counsel Shri S.P.Saxena, Counsel for the Applicant present and heard.

2. Shri R.R.Shetty for Shri R.K.Shetty Counsel for the Respondents also present and heard.

3. I have carefully seen the Review Petition, and the Order made on O.A.No.466/2000. The stand taken in the Review Petition is that the representation which has been directed to be disposed of had in fact already been disposed of. The reply is dated 15.12.1998. The Review Petitioner further states, in para 5 of R.P., that the above letter could not be enclosed to the Original Application through oversight, and further prays that in view of the said letter of 15.12.1998, the matter had already been considered at the level of the Respondents. The prayer is that the issue in the O.A. should now be considered by the Tribunal.

4. The above point was stressed by Learned Counsel Shri Saxena, during arguments also. That they had not brought to the notice of the Tribunal regarding the above disposal, through oversight, cannot be a ground for an R.P. In any case, even normally when directions are given to dispose of a representation it is assumed that directions apply in case the Respondents have not already disposed of the matter. This cannot be construed as a new fact coming to light nor is it an error apparent.

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5. The plea for revival of the O.A. made by learned Counsel Shri Saxena cannot be exercised in an R.P. Under the facts and in the circumstances, therefore, the R.P. is rejected after hearing both sides. Needless to say, recourse for redressal of grievances in respects of the decision will be available as per provisions of law.

B. N. Bahadur

B.N. Bahadur

Member (A)

sj\*

dt 14/12/00  
order/Indr... despatched  
to Appl. ... respondent (s)  
on 6/10/01

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04/01