

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Review Petition No. 51/92 in

Original Application No. 520/90

Shri V.N. Sathe

... Applicant.

V/s.

Chief Controller of Accounts & Anr.

... Respondents.

CORAM: Hon'ble Shri Justice S.K. Dhaon, Vice Chairman

Hon'ble Shri M.Y. Priolkar, Member (A)

Appearance:

Shri Khambate, counsel for
the applicant.

Shri M.I. Sethna, counsel
for the respondents.

TRIBUNAL's ORDER

Dated: 4.9.92

{ Per Shri S.K. Dhaon, Vice Chairman }


This is an application seeking a review of the order dated 1.11.91 passed by a Division Bench of which one of us, Hon'ble Shri M.Y. Priolkar, was a member.

The applicant was an employee of the Government of Maharashtra. ^{He} Resigned his post on 29.7.1955 and joined the Central Government services. He retired from the Central Government service on 31.12.1981. A reciprocal agreement was arrived at between the State of Maharashtra and the Central Government that pensionary benefit to those who had retired on 31.3.82 would be computed after taking into the service rendered by them with the State of Maharashtra.

Before this Tribunal, the precise question was whether the applicant was entitled to the benefit of reciprocal agreement. This Tribunal held that the applicant having retired prior to 31.3.82, he could not get any benefit of the agreement. The argument now is that the view taken by this Tribunal was against the dictum of Supreme Court in Nakara's case and, therefore,

The judgement should be reviewed. We are satisfied that Nakara's case had no application to the facts of this case. The only factor common between the present case and the Nakara's case is that there was and there is a certain cut off date. In the present case, this Tribunal, by implication, held that the cut off date of 31.3.82 had been rationally fixed. Therefore, no ground exists for reviewing the order already passed. In our opinion, in the Tribunal's order no apparent error on the face of the record exists.

Review Petition No. 51/92 is rejected.


(M.Y. PRIOLKAR)
MEMBER (A)


(S.K. DHAON)
VICE CHAIRMAN

NS/