

(24)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

M.P.492/95 & R.P.16/95 IN  
O.A. 613/91

S.R. Krishnamoorthy

.. Original Applicant

Vs.

Deptt. of Atomic Energy

.. Original Respondent  
(Review Petitioner)

TRIBUNAL'S ORDER

DATED : 2/8/1995

Heard the applicant in person and Shri.Suresh Kumar for Shri.M.I.Sethna on behalf of respondents.

M.P. 492/95

Applicant has filed M.P. 492/95 seeking review of R.P filed by him earlier i.e. R.P. 9/95 which was disposed of on 17/01/1995. In the circumstances, M.P does not survive and the same is accordingly dismissed.

R.P. 16/95

In this Review Petition, the respondent department has sought for review of our judgment dated 18/7/1994, especially directions No. 9(i) and 9(ii) on the ground that they are contradictory to rules and not capable of implementation. So far as direction No. 9(i) is concerned, the same is as below :

"So far as pension is concerned, it is true that he is deemed to have been relieved from 1982 onwards; however, the matter has been pending before the Court of Law, in the meanwhile, the 4th Pay Commission pay scales have come into effect from 01/01/1986 consequent thereupon the benefit of the fixation of the pension as per revised scale, irrespective of the fact whether he has worked after the new scale has come into force, may be given to the applicant and the same may be worked-out and released within two months from the date of receipt of this order. "

2. Respondents contend that there is an error apparent on the face of record in the direction, in as much as the Hon'ble Tribunal has not considered the Rules 33 & 34 read with Rule 50(5) of CCS (Pension) Rules 1972. So far as direction No. 9(ii) is concerned, the directions are as below :