

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 917/92

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXX Application No.~~

DATE OF DECISION: 6.9.94

Smt. L.S. Pardeshi

Petitioner

Advocate for the Petitioner

Versus

Union of India & Ors.

Respondent

Mr. V.S. Masurkar

Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B.S. Hegde, Member(A)

The Hon'ble Shri R.Rangarajan, Member(J)

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

M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY-1

O.A. NO. 917/92

Smt. Leela Suresh Pardeshi ..Applicant

V/s.

Union of India & Ors. ..Respondents

Coram: Hon.Shri B.S.Hegde, Member(J)
Hon.Shri R. Rangarajan, Member(A)

ORAL JUDGMENT:
(Per: B.S. Hegde, Member(A))

DATED: 6.9.94

None for the applicant. Mr. V.S. Masurkar,
counsel for the respondents.

The applicant, one Mrs. Leela Suresh
Pardeshi, is seeking pensionary benefits of one Late
Suresh Pardeshi who was the employee of the respondents.
In this O.A. she claims pensionary benefits, compassionate
appointment etc. When this O.A. was pending for disposal
another lady by name Mrs. Manda Suresh Pardeshi filed
M.P. No. 630/93 stating that she may be impleaded as
necessary party in this O.A.

In the circumstances the learned counsel
for the respondents submits that this is not possible
for the respondents to clear the dues in view of rival
claimants claiming the same benefits.

We are, therefore, of the view that this
is not a matter which can be adjudicated before the
Tribunal. Liberty granted to parties to agitate the
matter before appropriate forum, if required, in order
to secure the pensionary benefits of the deceased.

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.2.

The O.A. has no merit, in view of the above,
and we dismiss the same accordingly with no order as to
costs.



(R Rangarajan)
Member(A)



(B.S. Hegde)
Member(J)

trk

(11)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

R.P. NO. 11/95

in

O.A. NO. 917/92

Smt. Leela S. Pardesi ... Applicant

v/s

Union of India & Others ... Respondents

CORAM :

- 1) Hon'ble Shri B.S. Hegde, Member (J)
- 2) Hon'ble Shri R. Rangarajan, Member (A)

Tribunal's orders (by circulation) Dated: 24.1.95,
(Per: Hon'ble Shri B.S. Hegde, M(J)).

1. The review application has been filed by the Applicant seeking review of the judgement dated 6-9-1994 in O.A. No. 917/92. The O.A. was disposed of after considering the pleadings of the parties and rival claims preferred by the Applicant and the Respondent No. 3. When the O.A. was pending before the Tribunal, another lady by name Mrs. Manda Suresh Pardeshi filed M.P. No. 630/93 stating that she may be impleaded as necessary party in this O.A. Considering the rival claims preferred ^{file} by the Respondents, we were of the view, that in view of the rival claims, this matter shall have to be agitated before appropriate forum as to who is entitled to claim the pensionary benefits of the deceased. Accordingly, the O.A. was dismissed ex-parte for agitating their claims before the competent Court of Law.

From pre-page:

2. We have perused the Review Application. Though the Review Applicant has not made out any fresh points for consideration for this Tribunal except stating that the Applicant's advocate Shri Gangal was ill at the time of the disposal of the O.A., it is ^{also} not open to the Respondents to deny the pensionary benefits to the Applicant in view of the existing documents in their possession. When the matter is agitated before the competent authority, it is for the parties to produce the relevant documents in support of their contention and also for the department to adduce the relevant documents in their possession to decide as to who is entitled to claim the same.

3. Keeping in view, the ratio laid down in Order 47, Rule 1 read with section 115 of the CPC, we are of the view, that none of the ingredients referred to above have been made out to warrant a review of the aforesaid judgement. In the circumstances, we are of the view, that neither an error on the face of the record has been pointed out nor any new facts have been brought to our notice calling the review of the judgement. Accordingly, we do not see any merit in the Review Application; the same is, therefore, dismissed.



(R. Rangarajan)
Member (A)


(B.S. Hegde)
Member (J)