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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

R.P. No. 8/95 in O.A. 710/92

S.V. Badlani

... Applicant

Vs.

Union of India & Ors.

... Respondents

CORAM : Hon'ble Shri.M.R.Kolhatkar, Member (A)

ORDER ON REVIEW BY CIRCULATION

DATED : 20.1.95

(Per : Shri.M.R.Kolhatkar, Member (A))

In this R.P the original applicant has prayed for review of the order dated 5.8.1994 though the on the point that/relief of counting service for purposes of pension was granted to the applicant to [redacted] we had restricted the arrears/one year prior to filing of the application. Also we considered it fit and proper not to award interest. The original applicant has prayed for review of this part of the order. According to him, the direction of the Tribunal in regard to payment of arrears was neither sought by the applicant nor by respondent is and is not proper. and/liable to confuse the respondents. So far as the interest is concerned, refusal to award interest without assigning any reason with reference to the facts and circumstances of the case, is an error of law apparent on the fact of the record and therefore the same needs to be reviewed.

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2. We have considered the grounds for review. Our orders were passed after due consideration of all facts and circumstances of the case. The award of interest is entirely within the discretion of the Tribunal. Restriction of arrears to one year prior to the date of filing of the application was also considered to be proper by us in the facts and circumstances of the case, especially because the right of the applicant to count service for that period was in terms of Guarantee of Equality under section 14 and 16 of the Constitution and was not self-evident from the Rules. Under the circumstances, no grounds for review have been made out in terms of Order 47 of CPC and this review petition is rejected.

M.R.Kolhatkar

(M.R.KOLHATKAR)
MEMBER (A)

J*