

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

REVIEW PETITION NO.52/99 IN
ORIGINAL APPLICATION NO.420/93.

Shri J.R. Verma ...Applicant.

V/s
The Union of India & ors. ...Respondents.

CORAM: Hon'ble Shri D.S. Bawej, Member(A)
Hon'ble Shri S.L. Jain, Member(J)

TRIBUNAL'S ORDER : DATE: 11.7.2000

ORDER ON REVIEW PETITION

(Per Shri D.S. Bawej, Member (A))

The Review Application has been filed by the applicant seeking review of the order dated 3.11.1999 in OA 420/93.

2. Heard both sides.

3. The applicant has sought the review of the order dated 3.11.1999 to provide that the legal representatives of late Shri Jawarchand Ramchandra Verma are entitled for all pensionary benefits as per extant Rules. On going through the order dated 3.11.1999, we do not find any merit in the grounds made for review of the order. There was no such prayer in the OA for grant of Pensionary benefits. The main issue in the OA was with regard to the challenge of the punishment order and re-instatement in the service. Once the punishment order has set aside, the applicant would be deemed to be in service till the death and the pensionary benefits if any admissible to the widow per extant Rules will follow any specific directions for the same is required to be issued. The power of review can be exercised only when there is an error apparent on the face of the



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record or any new facts have been noticed by the applicant which could not be brought on the record earlier at the time of hearing, Even after due diligence. Such is not a situation in the present case. Therefore we do not find any ground for review of the order dated 3.1.1999.

4. The review application is therefore devoid of merits and is dismissed accordingly.



SJ
(S.L.JAIN)
Member (J)

SJ
(D.S.BAWEJA)
Member (A)

NS

Certified True Copy
Date 24/7/2000

QC
Bawaj
Section Officer
207/00 Central Admin. Tribunals
Bombay Bench

No. CAT/MUM/JUDL/620/98/ DATE: 20/7/00
/4761-62

Copy to:

① Shri S. R. Atre, Counsel for applicant.

② Shri R. R. Shetty, Counsel for the respondents.

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Wihel
20/7/2000
For. R. R. Shetty

copy sent 20/7/2000 Bawaj
2. SRAF S. O.

20/7/2000

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, AT MUMBAI

REVIEW APPLICATION NO. 52 OF 1999

IN

ORIGINAL APPLICATION NO. 420 OF 1993

Jawarchand Ramchandra Verma,
residing near Bhusawal High
School at Bhusawal,
District Jalgaon,
Through legal heirs,

1. Smt. Manorama Jawarchand Verma
2. Shri Ravi Jawarchand Verma
3. Smt. Jayashree Rajendra Kadel ... Applicants

Versus

1. The Union of India, through
General Manager, Central Railway,
Mumbai V.T.
2. The General Manager,
Central Railway,
Mumbai V.T.
3. The Additional Divisional Railway Manager,
Central Railway, Bhusawal.
4. The Divisional Commercial Manager,
Central Railway, Bhusawal. ... Respondents

TO,

THE HON'BLE VICE CHAIRMAN AND
OTHER HON'BLE MEMBERS OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

The review application on behalf
of the applicants abovenamed.

MOST RESPECTFULLY SHEWETH :

1. The applicants, namely the legal heirs of Jawarchand Ramchandra Verma state that the above referred original application had initially been preferred by Jawarchand Ramchandra Verma challenging therein the orders passed by the Disciplinary Authority and the Appellate Authority

A
(K. J. Verma)

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सौ. जयशंकर राजनीकेतन

dated 30.6.1992 and 19.8.1992 respectively. The applicants also state that subsequent to the filing of the original application since the said Jawarchand Ramchandra Verma passed away, the legal heirs were duly brought on record and it was also stated that this Hon'ble Tribunal be pleased to hold that the said Jawarchand Ramchandra Verma continues to be in services of the respondents till his death i.e. upto 30.12.1994 and the legal representatives are entitled to the arrears of pay including the retiral benefits along with appropriate interest and costs.

2. The applicants further state that this Hon'ble Tribunal was pleased to hear the above referred original application and by a Judgment and Order dated 3.11.1999, this Hon'ble Tribunal has been pleased to quash and set aside the orders dated 30.6.1992 and 19.8.1992 passed by the Disciplinary Authority and the Appellate Authority respectively. It has further been directed that the legal representatives of the original applicant are entitled to 50% of the wages from the date of removal of the original applicant.

3. The applicants, namely the legal heirs of the said Jawarchand Ramchandra Verma state that, in view of the fact that the orders passed by the Disciplinary Authority ~~and~~ as well as the Appellate Authority have been quashed and set aside, it would be natural that the legal heirs of the said Shri Jawarchand Ramchandra Verma would be entitled to the retiral benefits namely family pension, etc., and, therefore, it would be just and appropriate that this Hon'ble Tribunal reviews the Judgment and Order

मनोरमा जवरचंद वर्मा।

RJ
(R.J.Verma) 3

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सौ. जयश्री राजेन्द्र काडेल

dated 3.11.1999 and directs the respondents to also grant to the legal representatives of the said Shri Jawarchand Ramchandra Verma the retiral benefits to which they would be entitled to according to the rules.

4. The applicants, therefore, pray that --
 - A) This Hon'ble Tribunal be pleased to review the orders dated 3.11.1999 in Original Application No. 420 of 1993 and direct the respondents to grant to the legal representatives of Shri Jawarchand Ramchandra Verma all the pensionary benefits to which they would be entitled to according to rules.
 - B) Pass any such order and/or orders as this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, the applicants as in duty-bound shall ever pray.

VERIFICATION

We, Smt. Manorama Jawarchand Verma, Shri Ravi Jawarchand Verma and Smt. Jayashree Rajendra Kadel, the legal heirs of late Shri Jawarchand Ramchandra Verma, the applicants herein, do hereby state on solemn affirmation that the contents of paragraph nos. 1 to 3 are true to the best of our knowledge and belief and the contents of paragraph no. 4 are our humble prayers before this Hon'ble

Tribunal, and we believe the same to be true. We say that we have not suppressed any material facts from this Hon'ble Tribunal.

Solemnly affirmed at Mumbai, }

Dated this 15th day of }

November, 1999. }

मनोरमा जवरचंद वर्मा

(Smt. Manorama J. Verma)


(Shri Ravi J. Verma)

Before Me

स्त्री जयश्री राजेश केडल
(Smt. Jayashree R. Kadel)


S.R. Atre,
Advocate for the applicants.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, AT MUMBAI

REVIEW APPLICATION NO. OF 1999

IN

ORIGINAL APPLICATION NO. 420 OF 1993

Jawarchand Ramchandra Verma,
through his legal heirs,

1. Smt. Manorama Jawarchand Verma,
2. Shri Ravi Jawarchand Verma,
3. Smt. Jayashree Rajendra Kadel ... Applicants

Versus

The Union of India & 3 Others ... Respondents

AFFIDAVIT

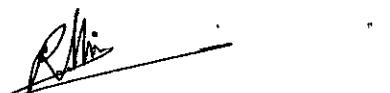
We, Smt. Manorama Jawarchand Verma, Shri Ravi Jawarchand Verma and Smt. Jayashree Rajendra Kadel, the legal heirs of late Shri Jawarchand Ramchandra Verma, the applicants herein, do hereby state and declare on solemn affirmation as under.

2. We say that the contents of paragraph nos. 1 to 3 of the review application are true to the best of our knowledge and belief and the contents of paragraph no. 4 are our humble prayers to this Hon'ble Tribunal, and we believe the same to be true. We say that we havenot suppressed any material facts from this Hon'ble Tribunal.

Solemnly affirmed at Mumbai)
Dated this 15 th day of)
November, 1999.)

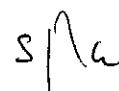
मानोरमा जावरचंद वर्मा

(Smt. Manorama J. Verma)



(Shri Ravi J. Verma)

Before Me



S.R. Atre,
Advocate for the applicants.

र्षी. जयश्री राजेंद्र केडे
(Smt. Jayashree R. Kadel)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 420.93

November
the 3rd day of 1999.

CORAM: Hon'ble Shri D.S. Bawja, Member (A)

Hon'ble Shri S.L.Jain, Member (J)

Jawarchand Ramchandra Verma
Residing near Bhusawal
High School at Bhusawal,
Dist. Jalgaon.

Through legal heirs

1. Smt. Manorama Jawarchand Verma
2. Shri Ravi Jawarchand Verma
3. Smt. Jayashree Rajendra Kadel.

...Applicants

By Advocate Shri S.R. Atre.

v/s

1. Union of India through
General Manager
Central Railway,
Bombay V.T.
2. General Manager
Central Railway
Bombay V.T.
3. Additional Divisional
Railway Manager
Central Railway
Bhusawal.
4. Divisional Commercial
Manager, Central Railway
Bhusawal

Respondents

By Advocate Shri R.R. Shetty.

ORDER

(Per Shri S.L.Jain Member (J))



* This is an application under Section 19 of the
Administrative Tribunals Act 1985 to quash and set aside the
order passed by the Disciplinary Authority and Appellate Authority
dated 30.6.1992 and 19.8.1992 respectively alongwith a
declaration that the Original applicant (now deceased and his