

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
CAMP AT NAGPUR

(3)

Original Application No. 140/95

S.S.Bariya

... Applicant.

V/s.

The General Manager,  
South Eastern Railway  
1 Royal Palace,  
Calcutta W.B.

The Divisional Personnel Officer  
South Eastern Railway,  
Nagpur.

The Divisional Superintendent  
South Eastern Railway,  
Nagpur.

The Divisional Commercial Manager,  
South Eastern Railway  
Nagpur.

... Respondents.

CORAM: Hon'ble Shri Justice M.S. Deshpande, Vice Chairman  
Hon'ble Shri P.P. Srivastava, Member (A)

Appearance:

Miss. S. Kumbhare, counsel  
for the applicant.

None for the respondents.

ORAL JUDGEMENT

Dated: 17.4.95

( Per Shri M.S. Deshpande, Vice Chairman )

No statement has been made by the respondents as mentioned in the order sheet dated 6.3.95. The only direction with regard to prayer 'c' is that the respondents shall calculate the retirement benefits including Gratuity, Pension payable to the applicant within six weeks from the date of communication <sup>of this order</sup> together with interest at 10% on the entire amount. Rest of the claim is dismissed. With the above directions the O.A. is disposed of.

  
(P.P. Srivastava)  
Member (A)

  
(M.S. Deshpande)  
Vice Chairman

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

(4)

R.P.NO. (N) 10/95

in

OA.NO. (N) 140/95

General Manager,  
South Eastern Railway,  
Calcutta & Ors.

... Applicants

v/s.

Shri S.S.Bariya

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande  
Hon'ble Member (A) Shri P.P.Srivastava

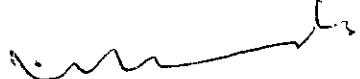
Tribunal's Order by Circulation

(PER: P.P.Srivastava, Member (A))

Dated: 28/8/95

The arguments brought out in the Review Petition are the repetition of the arguments which are already given by the petitioner who was the respondent in the original application. We find no material in the review petition, neither the petitioner has pointed out any error on the face of record which would warrant review of the judgement which has already been given in this case. The Review Petition is, therefore, dismissed in limini.

  
(P.P.SRIVASTAVA)  
MEMBER (A)

  
(M.S.DESHPANDE)  
VICE CHAIRMAN

mrj.

Received copy of the  
order passed on 17-4-95  
in o.A. No. 160/95.

(S)

John  
26-04-95.

Received all respondent's copy.

John  
26/4/95  
K.M.BRIDYAT  
L.A.D.P.O.-M&P.

Review Petition No. (N) 10/95 for  
put up for orders by circulation.

John  
23/5/95

John  
28/8/95  
order/Judgment despatched  
to Appellants/Respondent(s)  
on 5/9

John  
5/9

Review Petition No. (N) 10/95

By Applicant/Respondents.

In

O.A./F.A./ST.A. No. (N) 140/95

Judgment/Order dated: 13-4-95

Coram : Hon'ble Shri Justice M.S. Deshpande, ve.  
Hon'ble Shri P.P. Srivastava, MCA

Per : Hon'ble Shri Justice M.S. Deshpande, ve.

O.A./F.A./ST.A. No. (N) 140/95 was decided by the Bench  
consisting of the Hon'ble Shri Justice M.S. Deshpande, ve.

Hon'ble Shri P.P. Srivastava, MCA

on 13-4-95 (Flag 'A'). Against that Judgment/order, the  
applicant/Respondents has filed Review Petition No. (N) 10/95

A copy of Judgment/order despatched on 26-4-95  
and received by applicant/respondents on 26-4-95.

Review Petition has been filed on 12-5-95. So it is in  
time/ so there is delay in filing Review Petition is by  
days.

As per rule 49 of the Central Administrative Tribunal  
practices Rules 93, the Review Petition is submitted for orders  
by circulation, R.A. Rule 1(1)/II (a) of notification under  
appendix IV.

Date : 23-5-95

Deputy Registrar.

23/5/95

Respondents undertake that the copy will be supplied to the applicant.

Urgent  
12/5/95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL BOMBAY  
BENCH AT NAGPUR

Review Application No. 140/95

In O.A. No. 140/95.

APPLICANT :- Shri S.S. Bariya

- Versus -

RESPONDENTS :- (1) G.M./S.E.Rly/Garden Reach, Calcutta.  
(2) Divl. Personnel Officer/S.E.Rly./NGP.  
(3) Divl. Supdt./S.E.Railway/NGP.  
(4) Divl. Commercial Manager/S.E.Rly./NGP.

APPLICATION FOR REVIEW OF THE JUDGEMENT DATED: 17.4.95.

Respondents beg to submit as under:-

1. This Hon'ble Tribunal vide order dt: 17.4.95 has directed, with regard to prayer 'C' of the O.A.No.140/95 that the respondent shall calculate the retiral benefits including gratuity / Pension payable to the applicant within Six weeks from the date of communication of order together with interest @ 10% on the entire amount. (copy annexed)

2. It is submitted that the applicant was retired from Railway service as Goods Clerk w.e.f. 28.2.94. The following retiral benefits have already been sanctioned and paid to the applicant.

a) PENSION :- An amount of Rs. 788/- Plus usual Dearness Relief as admissible has been sanctioned vide DAO/NGP's P.P.O.No.Pen/SER/NGP/1993/EK-54/B-94/ /PS/C dated: 7.3.94 amount payable through Bank of Baroda, Gandhibagh, Nagpur. The said P.P.O. is annexed and marked as Annexure R-1.

b) P.F. :- An amount of Rs. 4873/- has been passed and paid to the applicant on 7.3.94 along with other retired staff.

c) N.G.I.S. :- An amount of Rs. 4874/- has been passed and paid to the applicant on 7.3.94 along with other retired staff.

In this regard a communication has been made to the applicant vide DPO/NGP's letter No. P/Sett/Com/NR/PVS dt: 23.2.94 is annexed as Annexure R-2.

d) COMMUTATION OF PENSION:- An amount of Rs. 32887/- has been passed vide P.P.O. of even No. dt: 22.4.94 and deposited in his Bank A/C No. 14094/LF-77/364 of Bank of Baroda, Gandhi bagh, Branch, Nagpur. The P.P.O. dt: 22.4.94 is annexed herewith as Annexure R-3.

In this regard it is pertinent to note here that at the time of retirement there was a vigilence case pending against the applicant and after getting clearance from DCM/NGP vide his letter No. G/OS/Sett/SSB dt: 31.3.94. The above said commutation amount has been sanctioned and paid to the applicant within a period of 3 months from the date of retirement i.e. 28.2.94. Hence he is not entitled for any interest for the entire retiral benefits.

e) D.C.R.G. (GRAVITY):- It is submitted that an amount of Rs. 31680/- has been sanctioned vide PPO dt: 7.3.94 (Annexure R-1). The same has not been paid as he has not vacated the Railway Quarter No. C/28/3/1 at Itwari which is still under his possession till date. Hence the same amount has not



been paid to him and withheld for recovery and adjustment of Railway Dues as per the provision of Rule 15 and 16 of Railway Services(Pension) Rule- 1993 which is annexed as Annexure R-4 for the perusal of this Hon'ble Tribunal.

As soon as the applicant will vacate the Railway Quarter under his possession the recoverable amount will be calculated and the same amount will be deducted from his Grauity and the balance of Grauity if any will be paid to him.

In view of above submission it is quite clear that the entire retiral benefits have been sanctioned and paid to the applicant within 3 months from the date of his retirement. Hence, the applicant is not entitled for any amount of interest.

PRAYER

In view of above, this Hon'ble Tribunal be pleased to review the order dt: 17.4.95 that the applicant is not entitled for any amount of interest on retiral benefits including pension/commutation of pension etc. as the amount has been paid in time. It is also prayed to review the order as regard to payment of grauity with interest heeding that the applicant is himself liable for delay in payment

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of gravity as he has not still vacated the Railway quarter under his possession.

Hence this review application.

*Yours truly*  
**COUNSEL FOR  
THE RESPONDENT**

*M. Phool*  
महेश कामिनी अधिकारी  
**RESPONDENT**.  
Divisional Personnel Officer  
S. E. Rly., NAGPUR.

#### VERIFICATION

I, Mangosam Goel, S/o. Moolchand Goel,  
aged about 34 years, Divisional Personnel Officer  
S.E.Railway, Nagpur do hereby verify that the contents  
of aforesaid paras are true to my knowledge and based  
on official records and believe by me to be true.

Hence verified and signed on this 10<sup>th</sup>  
day of May 1995 at Nagpur.

*M. Phool*  
महेश कामिनी अधिकारी  
**RESPONDENT**.  
Divisional Personnel Officer  
S. E. Rly., NAGPUR.