

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

R.P.No.54 of 1993 ✓

in

Dated; 31-5-1994. ✓

OA.No.1083/92 ✓

Between:-

1. General Manager, Chittaranjan Locomotive
Works, Chittaranjan, Burdwan, ~~West~~ Bengal...

2. Financial Advisor and Accounts
Officer (Admn.) Chittaranjan Locomotive
Works, Burdwan, West Bengal. ✓

AND
Shri A.B. Krishnamachari, S/o Late

A.L. Narasimhachari, R/o Visakhapatnam ...

Applicants/
Respondents. ✓

Respondent/ ✓

Counsel for the Applicant : Mr. N.R. Devaraj, Sr. CGSC. ✓

Counsel for the Respondent : Mr. Y. Subrahmanyam. ✓

CORAM:

Hon'ble Mr. T. Chandrasekhar Reddy : Judicial Member. ✓

The Hon'ble Tribunal made the following order:- ✓

" Even though sufficient opportunity had been given
counter. The learned counsel for the respondents Mr. N.R. Devaraj,
brought to our notice that he had addressed a letter long
back to the respondents informing them that this O.A. stands
posted for orders to 15.3.1993 (today) and to send the required
instructions in this O.A. He further submitted in spite of
his letter that the respondents have not chosen to send
him any instructions. But the material placed before this
Tribunal is sufficient to decide this O.A. and this O.A.
is decided". ✓

Ultimately this O.A. was disposed of by giving a
direction to the respondents to pay the arrears of pension
to the applicant at the rate of Rs. 1,172/- w.e.f. 30-12-1986
to 10-1-1989. Aggrieved by the judgment dt. 15-3-93 the
present R.P. was filed.

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In this R.P. it is contended that the applicant had been allowed the benefit of contributory provident fund from 28-12-96 to 10-1-89 and as such, the applicant is not entitled for pension at the rate of Rs.1,172/- w.e.f.30.12.86. This aspect of the case was not brought to the notice of the Bench at the time the O.A. was disposed of as per the judgment dt.15-3-93. Many other issues also are raised in this R.P. As judgment dt.15.3.93 is ex-parte and in view of the material placed before the Tribunal that the applicants had been allowed the benefit of the contributory judgment dt.15.3.93 and give an opportunity to the review petitioners to file their counter and then dispose of this O.A. on merits with the material placed by both the sides. Hence the judgment dt.15.3.93 passed in this O.A. is set aside and the R.P. is allowed accordingly. The respondents in the O.A. are given 4 weeks time to file their Counter. List the O.A. for orders on 29.6.94 before Division Bench.

[Signature]
Dy.Registrar(Judl.)

Copy to:-

1. General Manager, Chittaranjan Locomotive Works, Chittaranjan, Burdwan, West Bengal. ✓
2. Financial Advisor and Accounts Officer(Admn.), Chittaranjan Locomotive Works, Burdwan District, West Bengal. ✓
3. One copy to Sri Y.Subrahmanyam, Advocate Door.No.45-58-7, Narasimha Nagar, P.O.Saligrampuram, Visakhapatnam-530 024. ✓
4. One Copy to Mr.N.R.Devaraj, Sr.CGSC, CAT.Hyd. ✓
5. One copy Spare. ✓

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