

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

RA 25/2002 in OA 1140/99
Date of Order : 5.8.2004

Between:-

P.Karunakar Rao

....Applicant

And

1. The Sescretary to the Govt. of India,
M/o Defence, New Delhi-110 001.
2. The Engineer-in-Chief,
Army Headquarters, New Delhi-110 001.
3. The Controller General of Defence Accounts,
West Block V, R.K.Puram, New Delhi-110 066.
4. The Chief Engineer, Southern
Command, Pune - 511 001.
5. The Director GEneral,
Naval Project, Visakhapatnam-530 014.
6. Hindustan Shipyard Ltd., rep. by its
Chairman & Managing Director, HIndustan
Shipyard Ltd., Visakhapatnam.

....Respondents

Counsel for the Applicant : Sri K.Subramanya Narasu
Counsel for the Respondents: Sri V.Rajeshwar Rao, Addl.CGSC

CORAM:

THE HON'BLE JUSTICE SRI K.R.PRASADA RAO : VICE-CHAIRMAN
THE HON'BLE SRI S.K.AGRAWAL : MEMBER (A)

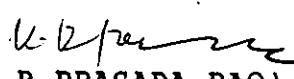
(Order per Hon'ble Justice Sri K.R.Prasada Rao, VC).

Petitioner in OA 1140/99 filed the present review application seeking for review of the orders passed by this Tribunal dt.9.2.2001 on the ground that he never submitted that he would confine his claim only for interest for the delay in payment of pro-rata pension other than gratuity for the period during which the applicant worked with Respondent No.5 ignoring the lien period as ^{learned} entered in para-6 of the order. He therefore submitted that the Tribunal ought to have decided the OA on merits. But we are afraid, we cannot go into the merits of the matter since the Tribunal clearly recorded in para-6 that the learned counsel for the applicant confined his claim only for the interest ~~on~~ the delay in payment of pro-rata pension other than gratuity. Further, it is pointed out by the learned counsel for the respondents that the order is dictated by the learned single

Judge in open court and at that time it was never pointed out by the learned counsel for the applicant that he did not accept for the ~~same~~ ^{submit to}. We are therefore unable to accept the contention of the learned counsel for the applicant that the order dt.9.2.01 suffers from any error ^{of price} on the face of the record. It is further pointed out by the learned standing counsel for the respondents that since the applicant has not made pensionary contribution during the period from 1.2.1977 to 1.10.1979 ^{re c} his lien was maintained in M.E.S., the authorities rejected his claim for pro-rata pension and this stand has been clearly explained by the respondents and it has been noted in para-8 of the order. Learned counsel for the applicant submits that this Tribunal has not considered the submission made on behalf of the applicant that applicant was ready to pay the pensionary contribution for the above said period and ^{also} ready to pay the leave salary. But we cannot go into merits on the said submissions at this stage. We find that the review petition is not maintainable and is liable to be dismissed. Review Petition is ^{accordingly} dismissed. However, we find it necessary to make it clear that the applicant can approach the authorities by submiting a representation that he is ready to pay the pensionary contributions for the above said period and also the leave salary and if rules permit, the authorities ^{may} ~~to~~ consider the said representation by passing appropriate orders.

2. In the circumstances of the case, we direct the parties to bear their own costs.


(S.K.AGRAWAL)
Member (A)


(K.R.PRASADA RAO)
Vice-Chairman
Dated: 5th August, 2004.
Dictated in Open Court.

avl.


Bamer
13/8/04