

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

**RA NO.139/2016
IN
OA NO.3134/2012**

Order reserved on 22.03.2017
Order pronounced on 24.03.2017

**HON'BLE MR P.K. BASU, MEMBER (A)
HON'BLE DR B.A. AGRAWAL, MEMBER (J)**

Yad Ram Yadav, aged about 65 years,
Retired Statistical Assistant
(under suspension),
S/o Late Shri R.K. Yadav,
R/o 885, Bawana,
Delhi-110039.

...Applicant

(By Advocate: Mr. T.D. Yadav)

VERSUS

1. Govt. of N.C.T.D.
Through Commissioner,
Trade & Taxes,
Vyapaar Bhawan, I.P. Estate,
New Delhi.
2. The Chief Secretary,
Delhi Secretariat,
I.P. Estate, New Delhi.
3. Principal Secretary (Finance),
Delhi Secretariat, I.P. Estate,
New Delhi.
4. The Dy. Director (Planning),
Govt. of NCT of Delhi,
Planning Department,
Level-6, 'B' Wing,
Delhi Sachivalaya,
New Delhi-2.

(By Advocate: Mr. Anmol Pandita for Mr. Vijay Kr. Pandita)

:ORDER:**DR BRAHM AVTAR AGRAWAL, MEMBER (J):**

The instant RA has been filed by the applicant seeking review of our Order dated 17.05.2016 in his OA No.3134/2012 under section 22(3)(f) of the AT Act 1985.

2. We have heard the learned counsel for the parties, perused the pleadings and given our thoughtful consideration to the matter.

3. In the OA, the applicant, who had superannuated as a Statistical Assistant from the Government of the NCT of Delhi on 30.09.2011, claimed implementation of the respondents' Order No.17/2005 dated 28.02.2005 granting him second financial upgradation under the ACP Scheme in the pay-scale of Rs.5500-9000/- w.e.f. 20.07.2002 and consequential benefits flowing therefrom, as also interest @8% on the arrears due for the period of delay in their payment.

4. The OA was allowed by us with the following directions:

"The respondents are directed to calculate and give to the applicant within three months from the date of receipt of a copy of this Order, the arrears due to him on account of grant of the aforesaid benefit. He shall also be entitled to consequential benefits flowing from the said grant."

5. Obviously, we did not specifically negative the claim of interest, as we did not deal with it. Though we cannot allow the RA with a view to rehear the OA on its merits, as prayed for in

the RA, as the learned counsel for the applicant, during the course of his arguments, has confined his prayer to rehear the OA on the claim of interest only, we are inclined to allow this RA.

6. Accordingly, the RA is allowed and the OA is restored to its original no. to be reheard on the claim of interest only.

7. List the OA on 01.05.2017.

(DR BRAHM AVTAR AGRAWAL)
MEMBER (J)

(P.K. BASU)
MEMBER (A)

/JK/