

**Central Administrative Tribunal
Principal Bench, New Delhi**

R.A. No.13/2018 in O.A. No.352/2017

This the 1st day of February 2018

Hon'ble Mr. K.N. Shrivastava, Member (A)

G Suresh (aged 63 years)
s/o K K Gopinathan Pillai
r/o C-3-A/39-A
Janakpuri, New Delhi – 58

..Applicant

Versus

National Highways Authority of India
Through its Chairman
G 5 & 6, Sector 10, Dwarka
New Delhi – 110 075

..Respondents

O R D E R (in circulation)

Through the medium of this R.A., the review applicant has sought review of this Tribunal's order dated 13.12.2017 passed in O.A. No.352/2017. The applicant had prayed for the following reliefs in the said O.A.:-

“a. Quash the impugned orders of the Respondent under their reference No.NHAI/11091/267/2000-Admn dated 04/11/2016.

b. Respondent be directed to make payment to the Applicant his Pension dues in accordance with CCS (Pension) Rules, 1972 from 01/01/2016, alongwith overdue interest for the period of delay till the date of actual payment.

c. Respondent be directed to make payment to the Applicant his Gratuity and Leave pay dues to the Applicant alongwith overdue interest for the period of delay till the date of actual payment.

d. Respondent be directed to make payment to the Applicant the differential of the 50% pay paid to him during his period of

suspension from 23/06/2015 till 20/09/2015, alongwith overdue interest for the period of delay till the date of actual payment.

e. Respondent be directed to make payment of Rs.10 lacs as cost for having unnecessarily thrust this litigation on the Applicant, without even bothering to inform or give notice to him as to why the Respondent is doing so, and without affording him an opportunity to point out the illegality of the Respondent's action.

f. Direct the Respondent to make additional payment to the Applicant equivalent to 27.75% for each 1% drop in bank interest rates, on amounts finally assessed as due to the Applicant as retirement benefits, for the yield loss the Applicant has been put to on account of the delay in paying his dues and the consequent erosion in the future yield he will continue to suffer.”

2. The O.A. was dismissed vide order dated 13.12.2017; operative part of which reads as under:-

“12. The applicant has been a beneficiary of the CPF, to which regular contributions have been made by the respondent to his account. Since the NHAI is a non-pensionable organization, the question of grant of regular pension to the applicant simply does not arise.

13. In the conspectus of discussions in foregoing paragraph, the claim of the applicant for grant of regular pension is rejected. Taking cognizance of the fact that all retiral benefits have already been released by the respondent to the applicant after passing the order dated 20.03.2017, no further action is needed at the end of the respondent.”

3. The sole thrust of the pleadings in this Review Application is that the Tribunal has erroneously held that the applicant has been a beneficiary of contributory provident fund (CPF), to which regular contributions have been made by the respondent. It is further stated that the Tribunal's order mentions that National Highways Authority of India (NHAI) is not a pensionable organization. It is stated that these observations of the Tribunal are without any pleadings to that effect.

4. The applicant has not produced any document to prove that he is not a CPF beneficiary and that NHAI is a pensionable organization. Mere submission of an affidavit by a contesting party cannot be taken on its face value in the absence of documentary proofs to that effect. During the course of arguments in the O.A., learned counsel for respondent had clearly stated that the applicant is a CPF beneficiary and NHAI is a non-pensionable organization. Hence, it would be incorrect on the part of the review applicant to say that the observations to that effect made in the order dated 13.12.2017 do not have any basis. Otherwise also, it is well known that NHAI is a non-pensionable organization.

5. In view of the above, it is held that there is no apparent error on the face of the record of the order dated 13.12.2017 in O.A. No.352/2017. I, therefore, do not find any merit in the R.A. It is accordingly dismissed.

(K.N. Shrivastava)
Member (A)

February 1, 2018
/sunil