

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

R.A. No. 257/2016
O.A. No. 3472/2015

New Delhi, this the 2nd day of January, 2017

HON'BLE MR. P.K. BASU, MEMBER (A)

1. The Union of India
(Through Secretary)
Ministry of Defence,
South Block,
New Delhi-110001.
 2. The Director General of RVS (RV-1),
QMG's Branch, AHQ,
IHQ of MOD (Army),
West Block-III, R.K. Puram,
New Delhi-110066.
 3. The Controller General of Defence Accounts (CGDA),
Ulan Batar Marg Palam,
Delhi Cantt-110010.
 4. The Controller of Defence Accounts (Army),
Belvadier Complex,
Meerut Cantt-250001.
 5. The Commandant,
Equine Breeding Stud,
(EBS) Babugarh Cantt.
Distt. Hapur (U.P).
- .. Review Applicants/
Respondents

(By advocate: Shri D.S. Mahendru)

Versus

Kundan, Ex-CLTS
Aged about 69½ years,
S/o Late Shri Battan,
R/o Village Chakrasainpur Babugarh,
Post Babugarh Cantt., Distt. Hapur.

.. Respondent/
Original Applicant

(By Advocate : Shri V.P.S. Tyagi)

ORDER (ORAL)

- Heard the learned counsel in the Review Application (RA).
2. The respondents primarily relies on judgment of the Hon'ble Supreme Court in the case of **Indian Council of Agricultural Research and anr. Vs. Santosh** in Civil Appeal No.4499 of 2006 dated 16.10.2006, on the ground that the Hon'ble Supreme Court has held that CLTS shall not be entitled to any pensionary benefits unless his service has been regularized. It is argued that since this judgment could not be placed at the time the O.A. was heard, an error apparent has crept in order dated 26.09.2016.
 3. Admittedly, the service of the applicant has not been regularized. Clearly, this matter has to be heard again, in view of the above. The judgment of the Hon'ble Supreme Court was not placed before us at the first stage of hearing and the O.A. was disposed of on the basis of the statement of the learned counsel for the respondents that they have forwarded the case of the applicant to the competent authority.
 4. The learned counsel for the applicant has filed a detailed counter to the RA.

5. In view of the fact that the initial order dated 26.09.2016 was passed without considering the judgment of the Hon'ble Supreme Court, the R.A. is allowed and the O.A. is restored to its original number and fixed for hearing on 06.02.2017.

(P.K. Basu)
Member (A)

/Jyoti/