

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

M.A. No. 1396/2017
O.A. No. 34/2009

New Delhi, this the 16th day of November, 2017

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)

Manohar Singh Chana .. Applicant
(None)

Versus

Union of India & Anr. .. Respondents
(By Advocate : Shri R.N. Singh)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

None for the misc. Applicant.

2. OA 34/2009 filed by the applicant was disposed of by this Tribunal on 20.02.2014 as under:

“30. In view of the afore discussions, we find that there is substantial merit in the contention of the applicant. Therefore, the OA is allowed in the following terms:-

- (i) The applicant's military service from 20.08.1960 to 27.01.1966 is to be reckoned for fixation of pension and notional initial pay fixation is to be done on joining the IB by allowing one increment for each year of military service for fixing the pension.
- (ii) The amount of arrears will be calculated accordingly and interest will be paid thereon at the same rate which is applicable in the case of gratuity and no more.

- (iii) Other payments if any, will be made as per rules.
- (iv) There shall be no order as to costs.”

3. In Writ Petition No.8783/2014 filed by the respondents, the Hon’ble High Court of Delhi stayed the orders of this Tribunal by its order dated 12.12.2014. Thereafter the Hon’ble High Court finally disposed of the said WPC by its order dated 24.08.2016 as under:

“12. We find that there is no justification as to why the respondent did not approach the petitioners when he was relieved in the year 1982 or soon thereafter and waited upto the year 2009 to file the first OA. The tribunal ought to have restricted the arrears to only three years before the date of filing of the OA by the respondent.

13. The respondent, therefore, would not be entitled to the entire arrears of revised pension on account of delay in approaching the Tribunal. The arrears can only be limited to a period of three years.

14. The writ petition is allowed in part. The respondent has already been paid his dues as per the direction. However, the respondent submits that the entire dues have not been paid to him for which he would seek appropriate remedy whichever is available to him as per law.

15. The writ petition stands accordingly disposed of in above terms.”

4. The applicant now filed the instant MA seeking the following relief(s):

- “(i) Direct the respondents to correctly calculate the pension and arrears thereof;
- (ii) Direct the respondents to pay interest @ 12% (p.a.) as declared by the Government on the present payment of arrears;
- (iii) Direct the respondents to issue amended order of absorption and grant joining time and joining time pay;

- (iv) Direct the respondents to pay interest @ 12% (p.a.) for three years on delayed payment of arrears of Rs.34,751/- & Rs. 59,097/- as per Para 29 of the Order,
- (v) Pass any other order(s) this Tribunal may deem fit and proper in the facts and circumstances of the case.”

5. A perusal of the order of the Hon’ble High Court dated 24.08.2016, while finally disposing of the WPC No. 8783/2014, clearly indicates that the Hon’ble High Court accepted the Writ Petition in part and also observed that the respondent (i.e. the applicant herein) has already been paid the dues as per the direction. However, the Hon’ble High Court gave liberty to the applicant, if he is having any other claims with regard to any other dues, to seek appropriate remedy as per law.

6. The present MA in a finally disposed of O.A. is not maintainable and, accordingly, the same is dismissed. However, as per the liberty already granted by the Hon’ble High Court, the applicant may avail the appropriate remedy, in accordance with law, if he is so advised.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

/Jyoti /