

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
61/35, Copernicus Marg, New Delhi.**

ORDER SHEET

**HON'BLE MR. P. K. BASU, MEMBER (A)
HON'BLE MR. RAJ VIR SHARMA, MEMBER (J)**

COURT No. 4

22.12.2015

ITEM NO : 39

M.A. 1778/2015
O.A. 291/2011

**H.D. Rikhadi (Applicant No.4)
In Dr. Lalit Verma** ... Applicant

(By Advocate : Shri B.N.P. Pathak)

Versus

M/o Health & Family Welfare ... Respondents

(By Advocate : Shri Sunil Narula for R-2)

Order of the Tribunal

Mr. P.K. Basu, Member (A)

Heard the learned counsels for both sides.

2. O.A. No. 291/2011 was filed with the following prayers:

- “(i) Call for the records of this case;
- “(ii) Quash & set aside the impugned order dated 27/12/2010 with all its consequences;
- “(iii) Direct the respondents to continue to pay the emoluments as they were being paid consequent to the sanction vide letter dated 23.01.1998 of the Respondent No.1 and as per the orders dated 28/01/1998 of the Respondent No.2 as was being paid before the issue of the impugned orders;

- (iv) Direct the respondents to give all the consequential benefits to the applicants;
- (v) Direct the respondent to pay the cost of litigation to the applicants;
- (vi) Pass any other order or direction which this Hon'ble Tribunal thinks fit and proper in the facts and circumstances of the case."

3. This Tribunal passed the final order dated 28.02.2012 saying that the recovery shall not be made from the applicants' pension.

4. Learned counsel for the applicant now states that the pension is being paid to him but dearness relief has been stopped, and for this reason, the applicant has moved this Misc. Application for execution of the order dated 28.02.2012.

5. However, the prayer in the Original Application and the order of this Tribunal was purely on the question of non-recovery of amount from the pension of the applicant. As it was neither claimed nor the order says anything about the payment of dearness relief, it is a fresh cause of action.

6. The M.A. is, therefore, dismissed with a liberty to the applicant that he may raise the matter by filing a fresh O.A., if he wishes to do so.

(Raj Vir Sharma)
Member (J)

/jyoti/

(P. K. Basu)
Member (A)