

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

**C.P. No. 534/2018
O.A No. 4184/2017**

This the 22nd day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Atul Kumar Rai,
S/o. Ram Adhar Rai
Aged about 57 years,
R/o. 4, Flag Staff Road,
Civil Lines, Delhi-110 054.

...Petitioner

(By Advocate : Mr. Rishabh Jetley)

Versus

1. Sh. Rajiv Kumar,
Secretary,
Department of Financial Services,
Ministry of Finance,
Jeevan Deep Building,
Sansad Marg,
New Delhi-110 001.

2. Sh. Subhash Chandra Garg
Secretary,
Department of Economic Affairs,
Ministry of Finance,
North Block,
New Delhi-110 001.Respondents

(By Advocate : Mr. Hanu Bhaskar)

O R D E R (O R A L)

Justice L. Narasimha Reddy, Chairman :

The petitioner filed O.A No. 4184/2017 before this Tribunal in the context of re-fixation of his pension and other benefits. The O.A was disposed of on 29.11.2017 directing the respondents to pass orders on the representation dated 20.06.2016, submitted by the petitioner, within three months. This C.P. is filed complaining that the respondents have not implemented the directions issued by the Tribunal in the said O.A.

2. The respondents filed counter affidavit. It is stated that in compliance with the directions issued by this Tribunal, an order dated 17.10.2018 was passed informing the petitioner, the reasons for not revising his pension.

3. Heard Mr. Rishabh Jetley, learned counsel for petitioner and Mr. Hanu Bhaskar, learned counsel for respondents.

4. Learned counsel for petitioner submitted that though the respondents have passed order dated

17.10.2018, stated to be in compliance with the directions issued in this O.A, it cannot be sustained in law. According to him, there was no basis for the respondents to invoke rule 8 of the CCS (Pension) Rules, 1972.

5. We, however, do not agree with the learned counsel for applicant. Even if the respondents have taken an incorrect stand in the order dated 17.10.2008, the applicant has to canvass the same by filing a separate O.A. Once, the respondents have passed order dated 17.10.2008, direction issued by this Tribunal stands complied with.

6. We, therefore, close the C.P. leaving it open to the applicant to pursue the remedy vis-a-vis order dated 17.10.2008 in accordance with law.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/