

(1)

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

R.A.No.37/2008  
In  
O.A.No.2217/2003

Friday, this the 5<sup>th</sup> day of December 2008

**Hon'ble Shri Shanker Raju, Member (J)**  
**Hon'ble Shri N.D. Dayal, Member (A)**

1. Union of India through Secretary  
Ministry of Defence  
South Block, New Delhi
2. Engineer in Chief  
Military Engineering Service  
Kashmir House, New Delhi
3. Commander Works Engineer  
Military Engineering Service  
Rani Laxmi Bai Road, Jhansi (UP)

..Applicants

Versus

US Saxena  
(Ex-Suptd. B/R MES, CWE, Jhansi)  
through Legal Representative  
Smt. Manorama Saxena  
W/o late US Saxena  
714, Sector 28  
Noida 201301

..Respondent

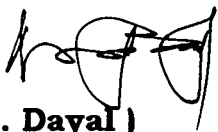
**O R D E R (in circulation)**


**Shri Shanker Raju:**

This review is directed against the order passed on 28.8.2007 in OA-505/1999. As one of us (Hon'ble Shri N.D. Dayal, M (A)) was not available, on his joining back in the Tribunal, the present RA has been taken up for hearing in circulation.

2. Claim of the applicant for pro-rata pension was meticulously gone into by us and the plea of quasi-permanent service was also taken into consideration. It appears that a re-agitation of the issue is an attempt on part of the respondents, which is not permissible under Section 22

(3) (f) of Administrative Tribunals Act, 1985. Condoning the delay, RA is dismissed on merits in circulation in the light of decision of Apex Court in **State of West Bengal v. Kamal Sen Gupta**, 2008 (9) SCALE 509.

  
( N.D. Dayal )  
Member (A)

  
( Shanker Raju )  
Member (J)

/sunil/