

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA-122/2003 in
OA-1561/2003

New Delhi this the 27th day of July, 2004.

Hon'ble Shri Shanker Raju, Member(J)

Sh. G.S. Mathur,
DGM-(Retired),
(Heavy Vehicles Factory,Avadi
Ministry of Defence, Deptt.
of Defence Production)
A-32, Upkar Apartments,
Mayur Vihar Phase-I,
Delhi. Review Applicant

(through Sh. B.S. Mathur, Advocate)

Versus

Union of India through

1. Secretary,
Ministry of Defence,
Dept.t of Defence Production,
South Block,
Delhi-1.
2. General Manager,
Heavy Vehicles Factory,
Avadi (Chennai).
3. Chief Controller of Defence
Accounts (Pensions),
Draupdighat,
Allahabad-211014.
4. Treasury Officer,
Bilaspur
Chhattisgarh. Respondents

(through Sh. R.N. Singh, Advocate)

ORDER (ORAL)
Hon'ble Shri Shanker Raju, Member(J)

Heard.

2. Though as a Tribunal I know my limitations
in view of the decision of K.G. Derasai & Anr. Vs.
U.O.I. & Ors. (2002(2)SC(L&S)756, no new direction can

be issued. II review as held by the Apex Court in Surjit & Ors. Vs. U.O.I. & Ors. (1997(10)SCC 592). If a mistake is committed by the Tribunal it is duty bound to correct with grace by way of review.

3. In the present RA, review applicant seeks direction to respondent No.4 to release pro-rata pension which had been sanctioned long back for the period 18.8.1982 to 15.4.1991. Though it has been directed by the respondents to applicant to approach Treasury Office at Bilaspur. On account of disposition and being a heart patient he had written several times to the concerned officers but had not approached them.

4. It is stated that the applicant is still indisposed and it is impossible for him to travel such a long distance to get his pro-rata pension. In this view of the matter, it is stated that although the prayer regarding interest has been turned down there is no positive direction to release pro-rata pension in the order.

5. On the other hand, respondents' counsel vehemently opposed the RA and states that in the RA scope of OA cannot be extended. It is further stated that there is no positive direction to workout the pro-rata pension. It is only applicant who had attributed to the delay in receipt of the amount.

6. Be that as it may, in the light of decision in Surjit Singh's case (supra) I am of the view that although relief regarding interest has been turned down, there is no application of mind as to release of pro-rata pension. In this view of the matter I am of the considered that there exists an error apparent on the face of record which by grace, I am bound to rectify. I do so.

7. This RA is disposed of with a direction to respondent No.4 to release the pro-rata pension of the applicant for the period from 18.8.1982 to 15.4.1991 within a period of three months from the date of receipt of a copy of this order. The same shall be released after completion of the formalities laid down in rules to be complied with by the authorised representative of the applicant. No costs.

S. Raju
(Shanker Raju)
Member(J)

/vv/