

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****REVIEW PETITION NO. 9 OF 2016****IN****WRIT PETITION NO. 1540 OF 2008**

Gour Chandra Dutta

...Petitioner.

Vs.

Union of India through

The General Manager & Ors.

....Respondents.

Mr. Gour Chandra Dutta, Petitioner in person present.

Mr. Suresh Kumar for the Respondent-UOI.

CORAM : ANOOP V. MOHTA AND**K.R. SHRIRAM, JJ.****DATE : 23 FEBRUARY 2016.****(IN CHAMBER)****P.C.:-**

The present Review Petition is filed on the basis that the Respondents instead of paying 100% pension, have wrongfully deducted the entire pension that they paid to the Petitioner from the date of his compulsory retirement till 20 April 2015, the date on which the Judgment was pronounced.

2 Mr. Suresh Kumar, the learned counsel for the Respondents, states that the Respondents' interpretation of the Judgment was that the Court having declined back-wages, the

Petitioner was entitled to only 100% of the pensionary benefits from 20 April 2015.

3 As requested by the learned counsel for the Respondents, it is clarified, as mentioned in paragraph No.28, the entitlement of the Petitioner for the period from the date of compulsory retirement till 20 April 2015 would be 100% retirement benefit, which we have awarded as compensation in lieu of back-wages, as against 67% that was paid. The operative part in paragraph No. 29, is abundantly clear in this regard.

4 Therefore, the Respondents are directed to pay for the period from the date of compulsory retirement till 20 April 2015, 100% of retirement benefits, as against the restricted 67%. In other words, the balance 33% has to be paid to the Petitioner. This amount to be settled and paid within four weeks from today.

5 The Petitioner has alleged that the Respondents have recovered from his payments the entire 67% of the amounts that the Respondents had paid during the pendency of the Petition, instead of

paying an additional 33%. The Respondents, therefore, should also pay over to the Petitioner the entire amount which they have deducted from the Petitioner's account. This, of course, is in addition to the other amounts payable as per the Judgment. To the extent of the amount deducted from the Petitioner's account, the same to be paid over within two weeks from today.

6 Review Petition is accordingly disposed. There shall be no order as to costs.

All the parties to act on the basis of an authenticated copy of this order.

(K.R. SHRIRAM, J.)

(ANOOP V. MOHTA, J.)