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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5800/2017

KRISHNA TIWARI

..... Petitioner

Through: Mr. V.S. Tomar, Advocate.

versus

GENERAL MANAGER

NORTH EASTERN FRONTIER RAILWAYS Respondent

Through: Mr. Rajan Sabharwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

12.02.2019

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The petitioner is aggrieved by the order dated 15.12.2016 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (CAT/ Tribunal) in O.A. No.1571/2013, whereby her said Original Application has been rejected. The petitioner's review application, i.e. R.A. No.48/2017, has also been rejected on 16.03.2017. The petitioner assails that order as well.

The issue raised by the petitioner is with regard to fixation of pension of the petitioner's husband after implementation of the 5th Pay Commission Report. The respondents have sought to fix the pension of the petitioner's husband on the premise that the pay scale admissible for the purpose of calculation of pension is Rs.5000-150-8000, whereas the petitioner's husband claimed that he was entitled to calculation of his pension on the pay scale of Rs.6500-10500, which was the replacement scale of DDE.

Learned counsel for the petitioner has tendered in Court the Pension

Payment Order (PPO) dated 22.10.2018 issued by the respondent, which has been issued after implementation of the 7th CPC. It is pointed out that in the said PPO, the pay scale shown is Rs.5000-150-8000 upon implementation of the 5th Pay Commission Report and the last pay drawn is calculated at Rs.6800.

In our view, the aforesaid document is material and would need to be examined. Since the Tribunal has not had the benefit of examining the said document, we permit the petitioner to move a review application before the Tribunal by placing the said document on record. In case the petitioner moves such an application, we request the Tribunal to bestow its consideration and examine the matter in the review application without raising the issue of limitation, or the narrow scope within which a review application is normally heard.

Considering the fact that the petitioner is a widow of a Government servant and she herself is 81 years of age, we request the Tribunal to deal with the matter at the earliest possible.

We make it clear that we have not made any observations on the merits of the petitioner's claim.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 12, 2019

B.S. Rohella