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

Date of decision: 28.08.2025

+ W.P.(C) 10594/2023
SUNEHARI DEVI JATAV

.....Petitioner

Through: Mr. Mukesh Kumar, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Archana Gaur SPC with
Ms. Ridhima Gaur, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, challenging the Order dated 25.04.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in M.A. No. 265/2022 in M.A. No. 3463/2021 in O.A. No. 2572/2016, titled *Sunehari Devi Jatav v. Ministry of Railways & Ors.*, whereby the said M.A. was dismissed on the ground that M.A. 3463/2021 had already been dismissed on merits by the Order dated 20.12.2021 and did not deserve to be restored.

2. At the outset, the learned counsel for the petitioner points out that M.A. No. 265/2022 had in fact been allowed by the learned Tribunal on 23.11.2022, which fact is even recorded in the Impugned



Order. The learned Tribunal, therefore, was required to re-consider the M.A. No. 3463/2021 on merits, but has erred in dismissing the same by holding that no ground for recall of the Order dated 12.12.2021 had been made out.

3. He further points out that the petitioner had filed the above O.A. challenging the wrong fixation of the pension/family pension of her husband. During the pendency of the O.A., the respondents itself issued a revised Pension Payment Order on 13.05.2019, *albeit* directing that the arrears would be paid only with effect from 01.01.2016. When the O.A. came up for hearing before the learned Tribunal, the petitioner raised a grievance that the arrears ought to be paid from the date they become due, and not confined only to the period post 01.01.2016. After hearing the parties, the learned Tribunal disposed of the O.A. with the following direction:-

“2. During the course of arguments, learned counsel for the applicant acknowledges that a part of the prayer, namely 8(a) has already been settled by the order of the respondents through issuance of revised PPO dated 13.02.2019 placed at Annexure R/1 (page 5 of the counter reply). But he informs that the arrears on the basis of the revised Basic Pension have not been released and he has not been granted the revised family pension till date. The respondents do not contest the claim of the applicant and submitted that they have only issued the revised PPO vide order dated 13.02.2019 and will duly make payment. Hence, the respondents are directed to calculate all the arrears, which should accrue to the applicant of this OA under the heads revised Basic Pension and revised family pension and grant the same with the interest at the rate applicable to the GPF deposits from



the date when it became due, within a period of 60 days of receipt of a copy of this order.”

4. The respondents thereafter filed a Review Application, being R.A No. 81/2020 before the learned Tribunal, the same was also dismissed by the learned Tribunal *vide* its Order dated 24.03.2021 with the following direction:-

“ 10. The instant case is one where certain error had occurred on the part of the respondent-Railway in preparing Pension Payment Order in 1988. When this came to light at the stage of hearing of OA, the late employee had already expired and it was the widow who was in receipt of family pension. She had approached the court seeking correction to the said PPO. It goes to the credit of the respondent-Railways that they realised their mistake and rectified the PPO. However, the facts remains that whatever the legitimate amounts were due to the late employee as well as to the widow, they were not paid to them at relevant point of time. The Tribunal was pleased to allow the interest to compensate the applicant for such denial of use of legitimate money which was actually due to applicants.

11. The Respondents pleaded that the period of interest needs to be limited to three years. However, what needs to be appreciated herein is that the applicant is a widow who may not be aware about various official procedures etc. and it may have been at certain late stage only that she may have come to know of certain error in PPO and it was rectified only after the OA was filed. The compensation by way of interest for entire period was ordered as per judgement. The period may be more than three years but Tribunal does not find any error apparent on the face of record and accordingly the RA is dismissed. The order already passed on



25.7.2019 stands.”

5. As the respondents still did not clear the arrears, the petitioner then filed a Contempt Petition, being C.P. No. 180/2021, which was dismissed by the learned Tribunal *vide* Order dated 23.09.2021, observing that the respondents had complied with the Order dated 25.07.2019 passed by the learned Tribunal.

6. The petitioner, contending that the contempt had been dismissed on account of ambiguity in the Order dated 25.07.2019 by which the O.A. had been allowed, thereafter moved M.A. No. 3463/2021 seeking clarification of the said order. The same was disposed of by an Order dated 20.12.2021, observing that since the O.A. had already been disposed of and even the contempt petition stood closed, the matter had attained finality and the learned Tribunal had become *functus officio*.

7. The petitioner then filed M.A. No. 265/2022 seeking recall of the said order, which as noted hereinabove, was allowed by the learned Tribunal on 23.11.2022.

8. We find that once the learned Tribunal had already allowed M.A. no. 265/2022 *vide* its Order dated 23.11.2022, it could not have subsequently dismissed M.A. No. 3463/2021 solely on the ground that no case for recall of the said order had been made out.

9. We accordingly set aside the Impugned Order dated 25.04.2023 and restore M.A. No. 3463/2021 in O.A. No. 2572/2016 before the learned Tribunal.

10. The parties shall appear before the learned Tribunal on 18.09.2025.



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11. The petition is allowed in above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 28, 2025/ys/DG