

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No.180/00903/2019**

**Thursday, this the 19<sup>th</sup> day of March, 2020**

**C O R A M :**

**HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

M.P.Chothy,  
Aged 69 years,  
S/o.Kalamban Painkan,  
Retired Deputy Director,  
Employees' State Insurance Corporation, Ahmedabad.  
Macherikkudy House, Pattal-Pankulam Road,  
Perumbavoor Village, Iringole P.O. - 683 548. ...Applicant

**(Party-in-Person)**

**v e r s u s**

1. Deputy Director (Finance),  
Sub-Regional Office,  
Employees' State Insurance Corporation,  
Malu's Complex, St.Francis Church Road,  
Kaloor P.O. - 682 017.
2. Director General,  
Employees' State Insurance Corporation,  
Panch Deep Bhavan, C.I.G.Marg,  
New Delhi – 110 002.
3. The Secretary to Govt. of India,  
Ministry of Labour, New Delhi – 110 001.
4. The Secretary to Govt. of India,  
Ministry of Personnel, P.G & Pensions,  
Department of Pension and Pensioners' Welfare,  
New Delhi – 110 001. ...Respondents

**(By Advocates Mr.T.V.Ajayakumar [R1-2]  
& Mr.V.A.Shaji, ACGSC [R3-4])**

This application having been heard on 19<sup>th</sup> March 2020, the Tribunal on the same day delivered the following :

**ORDER (ORAL)**

The applicant in this O.A has challenged impugned order at Annexure A-7 whereby his case for revision of pension as per the Government of India O.M dated 28.1.2013 has been considered. The O.M states that pension in case of pre-2006 pensioners, as revised vide O.M dated 1.9.2008, would be stepped up upto 50% of the sum of minimum pay plus grade pay corresponding to the pre-revised scale of pay in which the pensioner was retired from. According to the applicant, he has got 33 years of qualifying service for calculation of pension instead of 32.5 years calculated by the respondents.

2. After considering the reply statement filed by the Respondent Nos.1&2 as also the pleadings in this case, this Tribunal is of the view that interest of justice would be met if a direction is given to the Respondent No.2 to consider and dispose of Annexure A-8 dated 31.7.2019 under intimation to the applicant within a period of 30 days from the date of receipt of a copy of this order.

3. The O.A is disposed of accordingly. Consequently, M.A.No.180/247/2020 for early hearing of the O.A is closed. No costs.

(Dated this the 19<sup>th</sup> day of March 2020)

**ASHISH KALIA  
JUDICIAL MEMBER**

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**List of Annexures in O.A.No.180/00903/2019**

1. **Annexure A-1** – A copy of the order dated 17.8.2016 of Hon'ble C.A.T in O.A.No.906/2015.
2. **Annexure A-2** – A copy of the order dated 22.11.2016.
3. **Annexure A-3** – A copy of the judgment of Hon'ble High Court of Kerala in O.P.(CAT) No.119/2017 uploaded on 15.5.2019. Copy of R.T.I reply produced.
4. **Annexure A-4** – A copy of Para 12 of O.M.F.No.38/37/08-P&PW(A) dated 29.8.2008.
5. **Annexure A-5** – A copy of Para 4.1 of O.M.F.No.38/37/08-P&PW(A) dated 1.9.2008.
6. **Annexure A-6** – A copy of O.M.F.No.38/37/08-P&PW(A) dated 28.1.2013.
7. **Annexure A-7** – A copy of the Speaking Order issued on 1.7.2019.
8. **Annexure A-8** – A copy of the appeal dated 31.7.2019 issued by applicant to 2<sup>nd</sup> respondent.
9. **Annexure A-9** – A copy of the letter dated 28.10.2019 issued by the applicant to 2<sup>nd</sup> respondent.
10. **Annexure R-1(a)** – A copy of the O.M.F.No.38/37/08-P&PW(A) dated 1.9.2008.
11. **Annexure R-1(b)** – A copy of the counter affidavit dated 30.9.2017 of the 1<sup>st</sup> respondent, the Secretary, Government of India in O.P.(CAT) No.119/2017 (without exhibits).
12. **Annexure R-1(c)** – A copy of the Concordance Table.
13. **Annexure R-1(d)** – A copy of the Memorandum F.No.38/37/08/P&PW(A) dated 13.2.2013.
14. **Annexure R-1(e)** – A copy of the O.M.No.38/37/08-P&PW(A) dated 6.4.2016.

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