

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00417/2021

Tuesday, this the 31st day of August, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

Hon'ble Mr.K.V.Eapen, Administrative Member

P.N.Divakaran Pillai

Aged 64 years, MES No.370559

S/o.Late Shri.Neelakanta Pillai

Retired Master Crafts Man (Elect)

O/o.Garrison Engineer (AF)

Pulayanar Kotta

Thiruvananthapuram District – 695 011

Residing at Neelima

Sreekrishnapuram, Powdikonam P.O

Thiruvananthapuram- 695 587

- Applicant

(By Advocate: Mr.S.Sadasivan)

Versus

1. Union of India, represented by
Secretary to Government
Ministry of Defense, New Delhi – 110 011
2. Principal Controller of Defense Accounts (Pensions)
Draupati Ghat, Allahabad – 211 014
3. Defense Pension Disbursing Officer
Thirumala Post, Trivandrum – 695 006
4. Garrison Engineer (AF)
Pulayanar Kotta, Thuruvikal PO
Trivandrum – 695 011

- Respondents

(By Advocate: Mr.N.Anilkumar,SCGSC)

The O.A having been heard on 31st August, 2021, this Tribunal delivered the following order on the same day:

ORDER (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicant seeking the following reliefs:

“ a. Issue a direction to the respondents 1 to 4 to grant the applicant the revised pension w.e.f 01-11-2016 on the basis of the revised pay scale drawn by the applicant w.e.f 01-01-2016 and thereafter till his retirement.

b. Issue a direction to the respondents 1 to 4 to grant all consequential benefits in all occasions including the arrears of the pension arrived in terms of prayer clause (a).

c. Issue directions to the respondents 1 to 4 to pay an interest of 18% on the arrears of pension in terms of prayer clause (b)

d. Cost of the Original Application be provided for in favour of the applicant.

e. Pass such other/further orders/directions as deemed fit and proper in the circumstances of the present case in the interest of the justice. . ”

2. The Brief facts of the case are as follows:

Applicant is aggrieved by the non-revision of pension on the basis of the revised pay scale although revised pay scales were granted to the applicant prior to his retirement. Hence the applicant has filed this Original Application praying for the aforementioned reliefs.

3. When the matter came up for admission hearing, counsel for the applicant submits that the applicant has given representations to the concerned authority as Annexures A-12 and A-13 and these are still pending and no decision has been taken by the respondents on that representations.

4. Advovate Mr.N.Anilkumar, SCGSC takes notice on behalf of the respondents and submits that he has no objection in considering the representations.

5. In view of the above submissions, **the Competent Authority is directed to consider Annexure A-12 and Annexure A-13 representations filed by the applicant in the light of relevant rules and regulations and pass a speaking order within a period of three months from the date of receipt of a copy of this order. The Original Application is disposed of as above at the admission stage itself without going into the merits of this matter. No costs.**

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

List of Annexures

Annexure A1 - A true copy of the Discharge certificate of the applicant issued by the respondent no.4 vide file No.1018/157/EIR dated 29.9.2016

Annexure A2- A true copy of the Pension Payment Order No.C/ENG/11181/2016 dated 17.6.2016 issued by respondent no.2

Annexure A3- A true copy of the Last Pay Certificate issued by the Accounts Officer of the office of respondent no.4 vide file No.106/EM dated 26.11.2016

Annexure A4- A true copy of the letter No.PF/1018/PND/06/EIR dated 29.9.2016 issued by the respondent no.4 forwarding all pension documents to the respondent no.3

Annexure A5- A true copy of the letter No.GI/C/0199/Vol-I/Tec. Dated 5.10.2016 issued by respondent no.2, directing all Heads of Departments to revise the pension of the civilians who retired on or after 1.1.2016

Annexure A6- A true copy of the Department of Pension and Pension's Welfare O.M No.4/23/2017-P&PW(D) dated 7.8.2017 instructing all Ministries/Department to Suo-moto process the pension of pre-2016 pensions without insisting for documents from the pensioners

Annexure A7- A true copy of the letter No.1018/EIR dated 6/11/2017 issued by the respondent no.4 directing the applicant to submit documents for the revision of pension

Annexure A8- A true copy of the duly filled proforma dated 21.11.2017 submitted by the applicant to the respondent no.4

Annexure A9- The true copy of the letter No.AOGE(AF)/I/Pension/Estt/ dated 28.8.2019 forwarding MS utility format sheet etc. Issued by the respondent no.4 to respondent no.2 for sanction of the revised pension of the applicant.

Annexure A-10- A true copy of the letter No.1062/7th CPC/231/EIR dated 17.9.2020 issued by the respondent no.4 to the respondent no.2 forwarding of data sheet and part 2 order relating to pay fixation.

Annexure A11- A true copy of the letter No.AOG(AF)/I/Pension/Estt dated 11.7.2021 issued by the respondent no.4 to the respondent no.2 forwarding once again MS Utility format sheet etc relating to the revision of pension of applicant.

Annexure A12- A true copy of the representation dated 3.2.2021 addressed to the respondent no.2 for revision of pension

Annexure A13- A true copy of the reminder representation dated 5.5.2021 addressed to respondent no.2 for revision of pension

Annexure A14- A true copy of the PG complaint filed by the applicant in the Government of India Portal vide PG No.MODEF/E/2021/01691 dated 12.5.2021

Annexure A15- A true copy of the DOP&PW O.M dated 6.8.2021 advising all Ministries/Departments to dispose to P.G complaints of the pensioners within 45 days

Annexure A16- A true copy of the O.M dated 12.5.2017 issued by the Department of Pension and Pension's Welfare

Annexure A17- A true copy of the letter dated 25.7.2017 issued by the respondent no.1 for the revision of pension.

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