

Central Administrative Tribunal
Ernakulam Bench

O.A No.180/00504/2021

Tuesday, this the 5th day of October, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

P.A. Mohanan, aged 69 years,
S/o, Arjunan, Retired Peon, MTS(Min),
Station Health Organisation, Naval Base,
Kochi, residing at Punnaikkathara House,
Andikkadavu P.O., Kandakkadavu, Kochi – 682 008 - Applicant

(By Advocate: Mr.N. Radhakrishnan)

Versus

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| 1. | Union of India represented by Secretary,
Government of India, Ministry of Defence,
New Delhi – 110001, | |
| 2. | The Flag Officer Commanding in Chief,
Southern Naval Command, Naval Base,
Kochi – 682004, | |
| 3. | The Chief Staff Officer (Personnel and
Administration) Southern Naval Command,
Kochi – 682004, | |
| 4. | The Secretary, Ministry of Personnel, Public
Grievances and Pensions (Department of
Personnel & Training) Government of India,
North Block, New Delhi - 110001. | - Respondents |

(By Advocate: Mr.Anil Ravi, ACGSC)

The O.A having been heard on 5th October, 2021 through video conference, this Tribunal delivered the following order on the same day:

ORDER (ORAL)

P.Madhavan, Judicial Member

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

“(a) Declare that the applicant is entitled to be granted pension as per the CCS (Pension) Rules 1972;

(b) Direct the respondents to reckon the applicant as those covered under CCS (Pension) Rules 1972 to all purposes and to compute draw and disburse his pension and pensionary benefits apply the said rules;

(c) Declare that the applicant is entitled to have half of the period of his service as full time casual labourers, and half the period of service as temporary status casual labourers to be reckoned as qualifying for determining their qualifying service for the purpose of fixation of pension and other pensionary benefits;

(d) Award costs of and incidental to this application

(e) Grant such other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”

2. The brief facts of the case are as under:

The grievance of the applicant is over confining his entitlement to less beneficial contributory pensionary benefits as per New Pension Scheme introduced with effect from 01.01.2004 and denying him the more beneficial non-contributory pensionary benefits under the CCS (Pension) Rules, 1972. The applicant retired on 31.08.2012. He submits that similarly situated employees having the same qualifying service were granted statutory pension, but the same benefits was denied to the applicant without any justification. Hence, the applicant has approached this Tribunal praying for the above reliefs.

3. When the matter came up for consideration, it appears that Annexure A8

representation is still pending before the competent authority.

4. Mr.Anil Ravi, learned ACGSC takes notice on behalf of the respondents and submits that respondents have no objection in considering the representation.

5. In view of the above submission, **we deem it appropriate to direct the Competent Authority to consider Annexure A8 representation of the applicant and pass a speaking and reasoned order within a period of six months. Ordered accordingly. It is made clear that this order will not extend the limitation period, if any, applicable in this case.**

6. The Original Application is disposed of at the admission stage itself. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

bp

List of Annexures

Annexure A1 - A true copy of the temporary pass issued by the Assistant Security Officer, SNC, Kochi.

Annexure A2 - True copy of the order No. CS 2702/1 dated 13.08.2008.

Annexure A3 - True extract copy of the order No. CS 2702 issued by the third respondent dated: 15.09.2008.

Annexure A4 - True extract copy of the calculation sheet for retirement gratuity of the applicant.

Annexure A5 - True copy of the judgement dated 27.05.2016 in W.P.(C) No.16944 of 2008 by the Hon'ble High Court of Kerala.

Annexure A6 - True copy of the judgement dated 27.01.2010 in W.P.(C) No. 12690 of 2009 obtained from the website of the Delhi High Court.

Annexure A7 - True copy of the judgment in OA No. 557 of 2012 dated 06.03.2013.

Annexure A8 - True copy of the representation dated 28.12.2020 before the Hon'ble Minister of State of Defence, Government of India.

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