

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00242/2021

Thursday, this the 10th day of June, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

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

K.J.Poulose, aged 60 years
S/o.P.Jacob, Retd. Tradesman Mate
Naval Armament Depot, Aluva
Residing at Kakkattel House
Ramamangalam, Mamalassery P.O
Ernakulam District – 686 663

- Applicant

(By Advocate: Mr.T.C.G Swamy)

Versus

1. Union of India
Represented by its Secretary to Government of India
Ministry of Defence
New Delhi – 110 001

2. The Chief General Manager
Naval Armament Depot, NAD Post, Aluva
Ernakulam District – 683 663

- Respondents

(By Advocate: Mr.M.K.Padmanabhan Nair, ACGSC)

The O.A having been heard on 10th June, 2021 through video conferencing, 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:

“(i) Declare that the non-feasance on the part of the respondents to forthwith release the applicant's provisional pension as also the leave encashment, GPF amount, Group

insurance amount etc. is arbitrary, discriminatory, contrary to law and unconstitutional.

(ii) Direct the respondents to release the applicant's provisional pension for the period from 1.3.2021 and also the applicant's leave encashment, and to pay the same within a time frame as may be found just and proper by this Hon'ble Tribunal.

(iii) Award costs of and incidental thereto”

2. The applicant is aggrieved by the inaction on the part of the respondents in releasing the provisional pension/leave encashment due. Hence the applicant has approached this Tribunal praying for the reliefs as stated above.

3. When the matter came up for admission hearing, it appears that Annexure A-2 representation for granting provisional pension is pending before the Competent Authority.

4. In view of the pendency of Annexure A-2 representation, **the competent authority is directed to consider Annexures A-2 representation in the light of relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of 40 days from the date of receipt of a copy of this order.**

5. The Original Application is disposed of as above. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

List of Annexures

Annexure A1 - A true copy of the objection filed by the applicant on 4.3.2021.

Annexure A2- A true copy of the representation submitted by the applicant to the 2nd
respondent dated 15.4.2021.

. . .