

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.441/99

Friday, this the 13th day of July, 2001.

CORAM;

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

1. T.N.K.Namboodiri,  
Headmaster, SB School,  
(North Branch),  
Kavaratti.
2. C.V.Chandradas,  
J.B.School, Keechery,  
Androth.
3. M.Kunhjappa,  
J.B.S.Centre,  
Androth.
4. K.Nafeesa,  
Government Nursery School,  
Adroth.
5. K.Ranganathan,  
J.B.School,  
Keechery.
6. L.Anandavally Amma,  
J.B.School,  
Keechery.
7. P.M.Rebecca,  
S.B.S.Girls,  
Androth.
8. A.P.Janaky,  
Teacher, J.B.School,  
Keechery.

- Applicants

By Advocate M/s KN Chandrababu & PR Shaji

Vs

1. Union of India represented by its  
Secretary to Government of India,  
Ministry of Human Resources Development,  
Department of Education,  
New Delhi.

2. The Administrator,  
Union Territory of Lakshadweep,  
Kavarathy.

- Respondents

By Advocate Mr PR Ramachandra Menon

The application having been heard on 13.7.2001, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

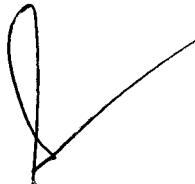
Learned counsel appearing for the applicant is absent.

2. Applicants seek to quash A-1 and "other consequential impugned orders" and direct the respondentss to continue to grant special pay at the rate of 80% of basic pay, subject to a maximum of Rs.150/- p.m., taking into account the Island Special Pay for the purpose of calculating dearness allowance, travelling allowance, pension gratuity, House Rent Allowance and such other benefits.

3. Applicants are School Teachers serving under the Union Territory of Lakshadweep. They say that Special Pay being part of offer of appointment which was accepted by them as per original order of appointment, the authorities concerned have no power to take away the benefit.

4. Respondents resist the O.A. contending that as per R-11 and R-11(a), there are recommendations for abolition of Special Pay and that the O.A. is liable to be dismissed.

5. A-1 is the impugned order. It is dated 6th August, 1998. It says that Island Special Pay now being paid to a



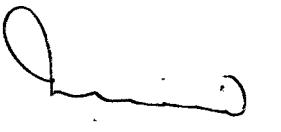
section of the employees of the Administration shall no longer be in existence with effect from 1.8.97 and all the employees of Lakshadweep Administration, serving in the entire Union Territory of Lakshadweep shall be paid Special Compensatory(Remote Locality) Allowance at revised rates, effective from 1.8.97. A Single Bench of the Tribunal had occasion to consider this question in O.A.1038/99. There it was held that there cannot be a direction to the respondents to refix the pension and pensionary benefits due to the applicants reckoning the element of Island Special Pay drawn by them during their service.

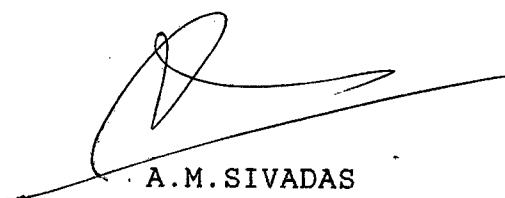
6. The very same question a Division Bench had occasion to consider in O.A.284/98 and the Division Bench, following the ruling of the Single Bench in O.A.1038/99, held that the applicants therein are not entitled to have their Island Special Pay reckoned for computing pensionary benefits.

7. Both the rulings apply to the facts of the case at hand. Following the said two decisions, this O.A. is only to be dismissed.

8. Accordingly the O.A. is dismissed. No costs.

Dated, the 13th July, 2001.

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.M. SIVADAS  
JUDICIAL MEMBER

trs

LIST OF ANNEXURES REFERRED TO IN THE ORDER:

1. A-1: True copy of the order No.10-1-98 F&A(A) dt.6.8.98 issued by the 2nd respondent.
2. R-11:True extract of para 104.34 of the recommendations made by the 5th Central Pay Commission.
3. R-11(a): True extract of para 109.1 to 109.5 of the recommendations made by the 5th Central Pay Commission.