

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT ERNAKULAM BENCH

O.A.No.446 of 2004

Thursday this the 16th day of December, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

V.S.Gopi, aged 60 years
S/o late Shri Sankaran,
Group D, Ponkunnam Post Office (Retd)
residing at Valliyil House
Thambalakad, Ponkunnam PO.686506. ...Applicant

(By Advocate Mr.P.C.Sebastian)

V.

1. The Superintendent of Post Offices,
Changanacherry Division,
Changanacherry-686 101.
2. The Assistant Chief Accounts Officer,
Pension Section, Office of the
Director Accounts (Postal)
Trivandrum.695001.
3. The Postmaster General,
Central Region,
Kochi-682 018.
4. The Union of India,
represented by Secretary to
Govt. of India, Ministry of
Communications, Department of Posts,
New Delhi.Respondents

(By Advocate Mr.TPM Ibrahim Khan, SCGSC (rep.)

The application having been heard on 16.12.2004, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who commenced service as an E.D.Agent
and ultimately retired as a Group D has filed this
application seeking the following reliefs;

.2.

(i) To call for the files leading to the issue of Annexure.A.1 and quash the same to the extent it states that pension and family pension are not admissible to the applicant.

(ii) To declare that applicant is entitled to get pension and family pension connected benefits as per the provisions of the CCS (Pension) Rules, 1972 and issue appropriate direction/orders to the 1st and 2nd respondents to sanction and payment of pension, family pension and connected benefits within a time limit as deemed fit to this Hon'ble Tribunal.

(iii) To grant such other relief which may be prayed for and which this Hon'ble Tribunal may deem fit and proper to grant in the facts and circumstances of the case.

and

(iv) To award costs.

The applicant had submitted Annexure.A.2 representation to the 4th respondent which has not been considered and disposed of.

2. The respondents contest the claim of the applicant.

3. When the application came up for hearing, the learned counsel of the applicant states that the relevant provisions of the CCS (Pension) Rules under which the service for 9 years and 9 months can be treated as 10 years service for the purpose of eligibility of pension was not adverted to in the representation (Annexure.A.2) and that the application may be disposed of permitting the applicant to make a supplementary representation to the 4th respondent and directing the 4th respondent to consider Annexure.A.2 as also the supplementary representation and to give the applicant an appropriate reply within a reasonable time. This course is not opposed by the learned counsel appearing for the respondents.

.3.

4. In the light of what is stated above, the application is disposed of permitting the applicant to make a supplementary representation to Annexure.A.2 to the 4th respondent within two weeks from the date of receipt of a copy of this order and directing the 4th respondent that if such a supplementary representation is received the supplementary representation as also Annexure A.2 shall be considered in the light of rules and instructions on the subject and an appropriate reply given to the applicant within a period of three months from the date of receipt of the supplementary representation. No order as to costs.

Dated this the 16th day of December, 2004



A.V.HARIDASAN
VICE CHAIRMAN

(s)