

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.457/2005

Wednesday this the 29 th day of November 2006.

CORAM:

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

P.Prabhakar, Son of late K.P.Damodaran Nair,
last employed as Programme Executive in the
Office of the All India Radio,
Thrissur, residing at XIX/192,
"Devikripa", Poothole, Thrissur-4.

Applicant

(By Advocate Shri Asok M.Cherian)

Vs.

1. Union of India, represented by the
Senior Pay & Accounts Officer,
Central Pension Accounting Office,
Department of Expenditure,
Ministry of Finance, Trikoot – II,
Bhikaji Cama Place, New Delhi-110 066.
2. The Director General,
All India Radio, Akashvani Bhavan,
New Delhi.
3. Pay and Accounts Officer,(IRLA),
Ministry of Information and Broadcasting,
AGCR Building, New Delhi. **Respondents**
(By Advocate Shri TPM Ibrahim Khan, SCGSC)
The application having been heard on 29.11.2006
the Tribunal on the same day delivered the following:

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

This application has been filed by the applicant who is a retired employee claiming for a declaration that he is entitled to get his pension restored in full with effect from 1.5.2011. and to quash A-6 order to the extent it stipulates restoration of pension of the applicant commuted @ Rs.1151/- w.e.f. 6.1.2014. The brief facts of the O.A. are as under:

2. The applicant retired from service of All India Radio on 30.4.1996. His pension was fixed as per the extant rules then in force, at Rs.1529/- per month, out of which Rs.509/- was commuted and the total commuted amount of pension of Rs.63,890/- was paid to the applicant. Subsequently, the 5th Pay Commission's recommendations were implemented and the Pension payment order dated 30.11.1998 was revised by Annexure A-2. By Annexure A-2, the State Bank of India was directed to pay the amount of Rs.1,44,474/- but the Bank granted only on 1,28,186/- towards the differential commutation amount. The applicant had filed O.A.412/2002 before the C.A.T. Ernakulam Bench and the said O.A. was dismissed with liberty to the applicant to seek redressal by filing an O.A. in case his claims were not fully settled. The applicant had then submitted a representation dated 31.3.2004 pointing out that, an amount of Rs.1474/- was yet to be received by him towards 'difference CVP' and he was entitled to get his full pension restored after 15 years from the date of payment of original commutation by fixing the date of restoration of full pension as 1.5.2011. In reply to his representation the respondents have issued the impugned order, Annexure A-6 dated 1.7.2004 stating that the restoration would be effective on 6.1.2014 and therefore, the applicant has approached this Tribunal.

3. The respondents initially had contested the averments in the O.A. stating that the Department of Pension & Pensioners Welfare, Ministry of Personnel, Public Grievances and Pensions, New Delhi, who is the final authority in the matters relating to the pension and the orders related to pension have been issued by the Department in accordance with the CCS(Pension Rules) 1972 and CCS(Commutation of Pension) Rules 1981.

4. The applicant has filed a rejoinder stating that, the position has been made

clear under Rule 10 of CCS (Commutation of Pension) Rules and that the Senior Accounts Officer (IRLA) of the Government of India has since clarified that the restoration would take effect from 15 years from the date of sanctioning of the original pension i.e. w.e.f. 1.5.1996, as per Annexure A-7.

5. The respondents have filed an additional reply statement reiterating the same contentions raised earlier.

6. At this stage, the Pay and Accounts Officer, (IRLA) Ministry of Information and Broadcasting, New Delhi was impleaded as additional 3rd respondent and he has also filed a reply statement contending that, he has already issued the letter of authority for the restoration of the full commutation portion with effect from 1.5.2011 to the CPAO, New Delhi enclosing the copies of orders at Annexure R-3 series.

7. When the matter came up before the Bench today, it is submitted that since the orders have now been issued for restoration of his pension from the date asked for by the applicant and necessary directions have been given to the Manager, State Bank of India, Trichur, for taking necessary action for restoration and the payment of residual pension, the reliefs sought for by the applicant have been granted and therefore nothing more survives in this O.A. Counsel for the applicant also agrees that the reliefs sought for have been granted.

8. Hence, the O.A. is dismissed. No costs.

Dated the 29th November 2006.

Sathi. Nair
SATHI NAIR
VICE CHAIRMAN