

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.481/97

Thursday, this the 10th day of April, 1997.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

KP Ramanandan,  
Accountant(Retired), Post Office,  
Kavarathi, resident of Rohini Villa,  
Kushal Nagar, Kanhangad,  
Kasaragod District. - Applicant

By Advocate Mr PV Madhavan Nambiar

Vs

1. Union of India represented by  
the Secretary,  
Ministry of Home Affairs,  
New Delhi.
2. The Administrator,  
Union Territory of Lakshadweep,  
Kavarathi. - Respondents

By Advocate Mr PR Ramachandra Menon, ACGSC

The application having been heard on 10.4.97 the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The grievance of the applicant who retired from service  
of the Lakshadweep Administration on 7.9.91 is that the res-  
pondents have unjustifiably denied to him the Islands Special  
Pay and compensatory allowance. There has been an earlier  
litigation between the parties on the same issue i.e. O.A.  
1247/95. That O.A. was disposed of by the Tribunal directing

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the official respondents to consider the representation and to pass appropriate orders. It is purportedly in accordance with the said direction that the impugned order dated 2.7.96 has been passed by the second respondent turning down the claim of the applicant on the ground that the decision in O.A.580/93 basing on which the applicant made the claim was under challenge before the Hon'ble Supreme Court, that the Government has advised all the departments to file Special Leave Petitions against similar decisions, and that in view of the said position the claim of the applicant cannot be entertained. Now that the S.L.P. filed against cases involving the issue as in this case as well as in O.A.580/93 have been dismissed by the Hon'ble Supreme Court by order dated 6.12.96 at A-6, the applicant claims that he is entitled to the reliefs as he had claimed in the previous O.A. as well as in this O.A. While seeking to have the impugned order A-5 quashed and for a direction to respondents to allow the applicant the Islands Special Pay and compensatory allowance from 5.2.77 to 7.9.91, the applicant has made an alternative prayer for a direction to respondents to consider his representation at A-7 and to dispose it of ignoring the impugned order.

2. When the application came up for hearing today, learned counsel for applicant states that it would be sufficient if the alternative relief prayed for in sub para (iii) of paragraph VIII of the O.A. is allowed. Learned counsel for

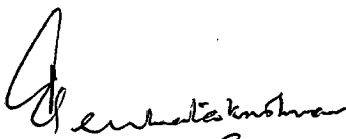
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respondents states that in view of the ruling of the Supreme Court in its order dated 6.12.96 at A-6, the second respondent would reconsider the entire issue and pass appropriate orders within a reasonable time.

3. In the light of the above submission by the learned counsel on either side, we dispose of the application with a direction to the respondents to reconsider the entire issue and give a speaking order to the representation made by the applicant at A-7 keeping in view the decision of the Apex Court in the matter as contained in the order dated 6.12.96(A-6) and if on such reconsideration the respondents conclude that the applicant is entitled to the Island Special Pay and compensatory allowance as claimed by him, to make available to him the monetary benefits flowing therefrom within a period of two months from the date of communication of this order. No costs.

Dated, the 10th April, 1997.

  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
AV HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURES

- Annexure A-5 : True copy of Order No.F.No. 10/  
29/95-F&A(SC) dated 2-7-96 issued  
by the 2nd respondent.
- Annexure A-6 : True copy of the order dated 6-12-96  
by the Hon'ble Supreme Court.
- Annexure A-7 : True copy of the representation dated  
25-2-97 by the applicant to the 2nd  
respondent.

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