CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.484 of 1994

Wednesday this the 30th day of March, 1994

CORAM

Hon'ble Mr.Justice Chettur Sankaran Nair, Vice Chairman

Hon'ble Mr.P.V-Venkatakrishnan,Administrative Member

C.V.Gangadharan Nair, Sepoy,
Central Excise,
Vaikom Sector
Kottayam, Kerala.   ...Applicant

(By Advocate M/s M.Rajagopalan & Rejit)

Vs.

1. Assistant Collector of Central
   Excise, Kottayam Division.

2. Collector of Customs &
   Central Excise, Cochin-18.

3. Union of India represented
   by the Secretary, Ministry of
   Defence, New Delhi.   ....Respondents

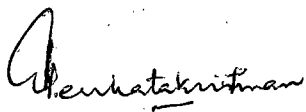(By Advocate Mr.Kodoth Sreedharan, ACGSC)

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

        Applicant who joined the Central Excise Depart-
ment after 22 years of service in the Army, now on
the eve of superannuation, seeks a declaration that
his pay on re-employment is liable to be fixed ignoring
the pension received by him. He relies on the Judgment
in TAK 404/87 (which is said to be a declaratory judgment
binding on the respondents) to support this contention.
He submits that attempts are being made to reduce his
pay on the ground that his pension has been increased.
We do not find any order to that effect and we do not
think that it is likely that such orders may be passed.

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2.   Be that as it may, applicant may state his case in writing before the second respondent and the second respondent shall take a final decision in the matter within five weeks of the date of receipt of the representation. Applicant will be free to append the decisions upon which he relies, to the representation. Respondents shall not make any deduction from the emoluments payable to applicant on account of alleged excess payments unless a valid order made under law to that effect is made, after disposal of the representation.

3.   With the aforesaid directions, application is disposed of. No costs.

                                        Dated 30th March, 1994.

P.V.VENKATAKRISHNAN   CHETTUR SANKARAN NAIR(J)
ADMINISTRATIVE MEMBER   VICE CHAIRMAN

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