

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.486/98

Tuesday the 31st day of March 1998.

CORAM

HON'BLE MR A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR S.K. GHOSAL, ADMINISTRATIVE MEMBER

Jay Joseph
S/o K.J. Mathai
R/o Kochuparambil, Mannathur,
Pambakkuda (Retired Chief Personal
Manager, Cochin Shipyard, Cochin) ...Applicant.

(By advocate Mr R Sreeraj)

Versus

1. The Accounts Officer
Pay & Accounts Office
Ministry of Labour
New Delhi.
2. The Secretary
Ministry of Labour
Shram Shakti Bhawan
New Delhi. ...Respondents.

(By advocate Mr PRR Menon)

The application having been heard on 31.3.98, the
Tribunal on the same day delivered the following:

O R D E R

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

Applicant while working as a Gazetted Officer, Class-I
in the Central Pool of the Labour Officers under the
Government of India, Ministry of Labour from 26.3.57 joined
the Cochin Shipyard, a Government of India undertaking
under the Ministry of Shipping and Surface Transport
as Deputy Manager (Personnel) w.e.f. 22.7.1976 retaining
his lien with the Ministry of Labour for 2 years.

Thereafter, with effect from 1.10.77, he was absorbed
in the service of the Shipyard and he was deemed to have
retired from the Government service from the same day,
as per order dated 26.5.78 (Annexure A-1). By order dated
27.11.79, the applicant was sanctioned full pension,
which was commuted with the sanction of the Government.



On completion of 15 years after his retirement, the applicant claimed restoration of 1/3rd of the commuted value of his pension. The applicant made a representation (Annexure A-3) for restoration of commuted pension and for re-fixation of his pension, taking into consideration the ruling of the Supreme Court in Welfare Association of Abrogated Central Government Employees in Public Enterprises and others Vs. Union of India and another, 1996 (2) SCC 187 and in DS Nakara Vs. Union of India, 1983-I-LLJ 104. This representation was forwarded through proper channel on 12/5/97 (Annexure A-5). Finding that the applicant did not get any response to the representations, the applicant has filed this application for a declaration that he is entitled to get 1/3rd of his commuted value of pension restored to him on completion of 15 years after the date of commutation of his pension and for a direction to the respondents to grant him the arrears of the commuted value of pension calculated by applying the liberalised pension ~~scheme~~ dated 25th May 1979.

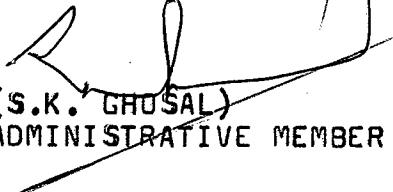
2. When the application came up for hearing today, learned counsel on either side agreed that the application may be disposed of with a direction to the first respondent to consider the representation of the applicant in the light of the decision of the Hon'ble Supreme Court cited above and other orders and instructions on the subject of the Government of India and to give the applicant a speaking order within a reasonable time.

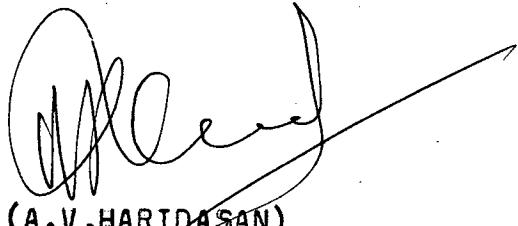
3. In the light of the submissions made by the counsel on either side, the application is disposed of with a direction

to the first respondent to consider the representation submitted by the applicant through proper channel on 16.5.97 (Annexure A-5), in the light of the ruling of the Supreme Court mentioned above as also in the light of the rules and instructions on the subject and give the applicant a reasoned and speaking order within 4 (four) months from the date of receipt of a copy of this order.

No order as to costs.

Dated 31st March 1998.


(S.K. GHOSAL)
ADMINISTRATIVE MEMBER


(A.V. HARIDASAN)
VICE CHAIRMAN

aa.

LIST OF ANNEXURES

1. Annexure A1: Notification dated 26.5.1978 issued by the Dy. Secretary, Ministry of Labour, New Delhi.
2. Annexure A3: Representation dated nil submitted by the applicant to the Accountant General, Kerala, Trivandrum.
3. Annexure A5: Representation dated 12.5.1997 submitted by the applicant to the first respondent.

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