

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.497/2009

Dated this the 26th day of October, 2010

C O R A M

**HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER
HON'BLE DR. K.B.SURESH, JUDICIAL MEMBER**

Baby P Jacob S/o late P.V. Chacko
Retd Lower Division Clerk
Naval Ship Repair Yard,
Naval Base, Kochi-4
residing at Pallithazhathu House
Piravom PO, Ernakulam District.

Applicant

By Advocate Mr. T.C. Govindaswamy

Vs.

- 1 Union of India represented by the
Secretary to the Government of India
Ministry of Defence, New Delhi.
- 2 The Principal Controller of Defence
Accounts (Pensions)
Allahabad
- 3 The Flag Officer Commanding in Chief
Southern Naval Command
Naval Base, Kochi-4
- 4 The Commodore Superintendent
Naval Ship Repair Yard,
Kochi-682 004

Respondents

By Advocate Mr. Sunil Jacob Jose, SCGSC

The Application having been heard on 19.10.2010 the Tribunal
delivered the following:

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant, a retired Lower Division Clerk, has filed this Application aggrieved by the inaction of the respondents in the disbursement of of revised retiral benefits as per the VI CPC recommendations.

2 The applicant a Lower Division Clerk, while working under the 4th respondent, retired from service on superannuation on 30.6.2008. He was paid the retiral benefits in the pre-revised scale. Though the orders of implementation of VI CPC recommendations were issued only on 2.9.2008, the pay revision was effective from 1.1.2006. The grievance of the applicant is that though his pay was revised w.e.f. 1.1.2006 and 40% of the arrears of pay and allowances were disbursed to him, the respondents have not revised the pension and other retiral benefits. He submitted representation on 18.4.2009 (A-3) and a separate representation for payment of composite transfer grant on 12.5.2009. However, he received Annexure A-4 letter dated 29.5.2009 stating that he is not eligible for Travelling Allowance as it is applicable only w.e.f. 1.9.2008. Hence, he filed this O.A to quash A-4 and for revision of pension and other retiral benefits including composite transfer grant based on the revised pay with 9% interest per annum for the delay in disbursement of the revised retiral benefits.

3 The respondents filed reply statement contending that the pay of the applicant was revised and after approval of the same by the Audit/PCDA(P) Allahabad, the same was forwarded to the bankers of the applicant on 27.8.2009 for effecting payment. They stated that the payment has been done as follows:

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(i)Difference of leave encashment	Rs. 43,770.00
(ii)Difference of pension from July, 2008	Rs. 3,487.00
(iii)Difference in gratuity`	Rs. 72,221.00
(iv)Difference of Commutation of pension	Rs. 1,37,168.00

As regards disbursement of Travelling Allowance, they submitted that para 5 and 6 of Annexure to the OM No.19030/3/2008-E-IV dated 23rd September, 2008 (Annexure R-1) specifically states that the order will take effect only from 1.9.2008. Since the applicant superannuated on 30.6.2008, he was not entitled for the benefit of the order.

4 Heard learned counsel for the parties and perused the records produced before us.

5 Para 5 & 6 OM dated 23rd September, 2008 relied on by the respondents are extracted below:

"5 These orders shall take effect from 1st September, 2008. However, if the Travelling Allowance entitlements in terms of the revised entitlements now prescribed result in a lowering of the existing entitlements in the case of any individual, groups or classes of employees, the entitlements particularly in respect of mode of travel, class of accommodation, etc. shall not be lowered. They will instead continue to be governed by the earlier orders on the subject till such times they become eligible in the normal course for the higher entitlements.

6 The claims submitted in respect of journey made on or after 1st September, 2008 may be regulated in accordance with these orders."

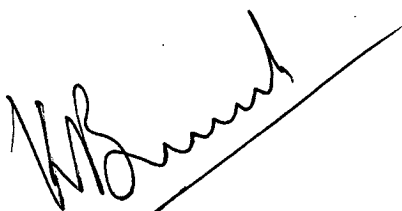
No material is placed before us to show that the applicant has undertaken the journey after 1.9.2008 so that he is eligible for the revised rate



6 In this view of the matter, we record the statement of the respondents that the revised retiral benefits except the composite transfer grant has already been paid to the applicant through his Bank. As regards revision of composite transfer grant, we declare that if the applicant has undertaken the journey on or after 1.9.2008, he shall be eligible for the revised transfer grant.

7 The O.A is disposed of as above. No costs.

Dated 26th.10.2010



DR. K.B. SURESH
JUDICIAL MEMBER



K.NOORJEHAN
ADMINISTRATIVE MEMBER

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