

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 504 of 2009

Tuesday, this the 28th day of July, 2009

CORAM:

Hon'ble Dr. K.B.S. Rajan, Judicial Member

Hon'ble Mr. K. George Joseph, Administrative Member

1. Southern Railway Pensioner's Association (registered), Mangalore, represented by its Secretary, Anagur Bhaskar, Registered Office, Gopalan Vaidyar's Compound, Tilery Road, Bolar, Mangalore.
2. K. Gopal Shenoy, Retired Wireless Inspector (Railways), Old Canara Bank Building, Padavinangadi, Konchady Post, Mangalore-575 008, Karnataka State.
3. Kamalaksha, Retd. Rly. Trolleyman, Nadukat House, Kalnad Village, Kasaragod District - 671217. **Applicants**

(By Advocate – Mr. K. Shri Hari Rao)

V e r s u s

1. Union of India, represented by Secretary, Ministry of Personnel, Public Grievances and Pensions, Department of Pension and Pensioner's Welfare, Lok Nayak Bhavan, New Delhi.
2. The Railway Board, represented by its Secretary, Rail Bhavan, New Delhi.
3. The General Manager, Southern Railway, Chennai.
4. The Postmaster General, Northern Region, Calicut. **Respondents**

The application having been heard on 28.7.2009, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Dr. K.B.S. Rajan, Judicial Member -

The anxiety of the applicant association in getting higher rate of

pension on completion of 79 years on account of the probable health problem seems to be the main reason for moving this OA with the following relief:-

"(i) Declare that the pensioners/family pensioners are entitled to get the additional quantum of pension/family pension as granted in Annexure A1 to A3 just after their completion of the age of 79 years and that is in the case of 2nd applicant as on 4.9.2007 and 3rd applicant as on 1.7.2008.

(ii) Pass such other orders deemed fit in the facts and circumstances of the case."

2. In fact, the applicants' have tried to spell out the definition of the term "attain" in ground-D. Annexures A-4 to A-6 are representations preferred by some retired employees in regard to revision of pension on completion of 79 years of age instead of 80 years. These are said to have not been disposed of so far by the respondents. Generally this Tribunal entertains applications for adjudication on merit only when, departmental remedies are exhausted, save in very exceptional cases. In the instant case, of course, except the age factor there is no extra-ordinary situation whereby the drill of exhausting departmental remedies should be exempted. Suffice it to say that if the respondent No. 1 is advised to consider Annexures A-4 to A-6 representations of the applicants on the grounds raised in this OA and pass suitable orders within a time frame, the same would be rendering adequate justice to the applicants for the time being.

3. In view of the above this OA is disposed of with the advise to the Secretary, Ministry of Personnel, Public Grievances & Pensions, Department of Pension & Pensioner's Welfare to consider the

representations at Annexures A-4 to A-6 along with the grounds raised in this OA and pass a suitable order within a period of two months from the date of communication of this order. It is made clear here that we have not reflected any view on the merit of the matter. A copy of OA shall also be despatched to the Secretary, Ministry of Personnel, Public Grievances & Pensions, Department of Pension & Pensioner's Welfare.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(K.B.S. RAJAN)
JUDICIAL MEMBER

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