

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.544 OF 2006

Monday, this the 4th day of June, 2007

CORAM :

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

Jacob Oommen

Director of Apprenticeship Training (Retd.),
Residing at : HB-52, Panampilly Nagar
Kochi - 682 016

Applicant

(By Advocate Mr. N.N.Sugunapalin, Senior with Mr.S.Sujin)

Versus

1. Union of India represented by its Secretary
Ministry of Personnel, Public Grievances & Pensions
Department of Pension & Pensioners Welfare,
New Delhi
2. The Director General of Employment and Training
Ministry of Labour, Government of India,
New Delhi
3. The Senior Accounts Officer
Pay & Accounts Office,
Directorate General of Employment & Training
Ministry of Labour, Government of India
New Delhi

Respondents

(By Advocate Mr. P.A.Aziz, ACGSC)

The application having been heard on 04.06.2007, the
Tribunal on the same day delivered the following :

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

None for the applicant. Earlier a number of adjournments were sought and granted. Hence it has been decided to dispose of this case invoking Rule 15 (1) of C.A.T (Procedure) Rules, 1986. The synopsis, as brought in by the applicant, gives a bird eye view of the full case and the



same is as under :-

" The applicant filed this Original Application seeking for a grant of pension claiming the revised scale of pay at the rate of Rs.18400-22400. The department initially rejected the claim against which OA was filed and when the OA was dismissed, the matter was taken up before the Hon'ble High Court in W.P(C) No.25319/2004. When the matter was pending before the Hon'ble High Court, the Delhi High Court pronounced a judgment in favour of a similarly placed person which was taken up by the Department before the Hon'ble Supreme Court which was dismissed. On that ground, the matter was remitted for a fresh consideration by the Department. In spite of the representation by the applicant, no consideration was made by the Department. It is under these circumstance, this OA is filed seeking appropriate relief."

2. The respondents in their additional reply statement has stated as under :-

" In reply to para 3 of the rejoinder it is respectfully submitted that the representation of the applicant before the 2nd respondent was not submitted directly by the applicant. Instead submitted through a Member of Parliament (Lok Sabha) reference, which is being disposed of. An interim reply has already been sent on 19.4.2006 to the respectable Member of Parliament (Lok Sabha) who has taken up the matter. As per the procedural requirements a final reply on the lines of the stand taken by the Department of Pension and Pensioner's Welfare being contemplated to be sent to the Member of Parliament (Lok Sabha) from the Hon'ble Labour Minister. Therefore, the respondents are not bound to correspond directly with the applicant in the matter.

In reply to para 4, 5 & 6 the matter had already clarified. The applicant retired from service on 31.05.1992. The applicant was rightly given the revised pension basing on the revised pay scales applicable to the to the [post from which the applicant had retired. The applicant retired much before the creation of the post to the scale of Rs.18400-22400 which he never held, it has to be emphasized that since the applicant

never hold the posting having the scale of Rs.18400-22400 which has been created defacto and de jure only with effect from 1.1.1996 where the applicant was retired from service on 31.05.1992. Hence the applicant is not entitled for pension at the higher scale as demanded. The rejoinder filed by the applicant is devoid of any merit and may be rejected."

3. From the above, it is clear that a final decision has not so far been arrived at by the respondents in respect of the claim of the applicant on the basis of the judgment of the Hon'ble High Court of Delhi. It is expected that the respondents shall take into account all the grounds raised in the OA before furnishing reply to the Hon'ble Member of Parliament as stated in their additional reply statement extracted above. As the matter has been pending for quite sometime and as the case involves pension of a senior citizen, a time limit of two months is prescribed within which Respondent No.2 shall communicate the decision taken by the respondents to the Hon'ble Member of Parliament as also to the applicant. Needless to mention that, in case, the applicant is aggrieved by the decision, he may take appropriate course of action in accordance with law.

4. With the above directions, the OA is disposed of. No costs.

Dated, the 4th June, 2007.



(c) *[Signature]*

K.B.S.RAJAN
JUDICIAL MEMBER