

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 592 of 2011

Friday, this the 24th day of January, 2014

CORAM:

Hon'ble Mr. Justice A.K. Basheer, Judicial Member

Mannatil Kumar, aged 76 years,
 S/o. Late A. Parameswaran Nair,
 (Retd. Additional Private Secretary to the
 Union Minister of State for Works, Housing &
 Parliamentary Affairs, Ministry of Shipping),
 Residing at : No. 89, Jawahar Nagar,
 Cochin – 682 020.

Applicant

(By Advocate – Mr. T.C. Govindaswamy)

V e r s u s

1. Union of India, represented by the
 Secretary to the Government of India,
 Ministry of Shipping, No. 1, Parliament Street,
 New Delhi – 110 001.
2. The Pay & Accounts Officer (Sectt.)
 Ministry of Shipping, No. 1, Parliament Street,
 New Delhi – 110 001.

Respondents

(By Advocate – Mr. Sunil Jacob Jose, SCGSC)

This application having been heard on 24.01.2014, the Tribunal on the same day delivered the following:

ORDER

Applicant is a pensioner. He was deemed to have retired from service of the Ministry of Shipping on March 1, 1975 consequent on his absorption in Cochin Shipyard Limited. The primary grievance of the applicant appears to be that he has been denied the benefit of Annexure A1 Office Memorandum issued by the Ministry of Personnel, Public Grievances and Pensions by

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which 1/3rd commuted portion of pension was ordered to be restored in respect of Government servant who had drawn lump sum payments on absorption in public sector undertakings/autonomous bodies. The case of the applicant is that he had commuted 100% of his pension on being absorbed in the Cochin Shipyard and therefore, he is entitled to get the benefit of Annexure A1 Office Memorandum. He has raised several other contentions as well in support of the above plea. The prayer in this Original Application is to issue a direction to the respondents to revise his pension with effect from March 1, 1990 and again with effect from January 1, 1996 in terms of Annexure A1. I do not deem it necessary to refer to the other ancillary and/or consequential reliefs prayed for in view of the order that I propose to pass.

2. I have perused the entire pleadings available on record particularly the statement filed by the learned counsel for the respondents on October 28, 2012 as well as the contentions raised by the applicant in his additional rejoinder dated February 28, 2013. Apparently the case of the applicant seems to have taken a different turn in view of Annexures A7 to A9 orders of the Government to which reference had not been made by the applicant earlier. According to the learned counsel the so called decisions taken by the respondents earlier in purported compliance of the directions issued in OA No. 149 of 2004 and thereafter, are not in conformity with or in the light of Annexures A7 to A9 and particularly Annexure A1. He further submits that the applicant is prepared to pursue the matter further before the competent authority through a comprehensive representation with specific reference to

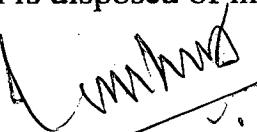


the documents produced by the respondents along with the statement filed by their learned counsel.

3. It will be open to the applicant to file such a comprehensive representation if so advised, annexing all the relevant orders on which he wants to place reliance. If such a representation is preferred within six weeks from today before the respondent No. 2 the said authority shall take a decision in the matter after affording sufficient opportunity of hearing to the applicant.

4. It is made clear that I have not considered the merit or demerit of any of the contentions raised by the parties in this proceeding. It will be open for the authority concerned to take a decision in the matter in accordance with law. This shall be done as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of the representation referred to above.

5. Original Application is disposed of in the above terms. No costs.


(~~JUSTICE~~ A.K. BASHEER)
JUDICIAL MEMBER

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