

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.597/1997

Tuesday this the 24th day of June, 1997.

CORAM

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

C.V. Kunjappan,  
Telephone Operator,  
Office of the Sub Divisional Engineer  
(Phones), External Maintenance South,  
Ernakulam, Cochin.11. ...Applicant

(By Advocate Mrs. Sumati Dandapani)

Vs.

1. The General Manager, Telecom,  
Department of Telecommunications,  
Ernakulam.
2. The Senior Accounts Officer,  
Telecom, Office of the General  
Manager, Telecom, Ernakulam,  
Cochin.31. .. Respondents

(By Advocate Mr. KS Bahuleyan for TPM Ibrahim Khan)

The application having been heard on 24.6.1997, the  
Tribunal on the same day delivered the following:

O R D E R

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

The applicant is an Ex-Serviceman got re-employed as  
a Telephone Operator in the Department of  
Telecommunications in the year 1980 and retired on  
superannuation on 30.4.97. His pay on re-employment was  
fixed at Rs.396/- by order dated 11.2.85 with effect from  
25.1.83 in accordance with the relevant instructions in  
regard to fixation of pay of re-employed Ex-Servicemen.  
He started getting pay on the basis of the fixation and  
at the time of his retirement the applicant was drawing  
Rs.1690/- (revised pay). A few days prior to his  
retirement, to be exact on 22.4.97, a communication was  
received by the applicant informing him that the fixation

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of his pay giving him additional increments with effect from 25.1.83 was erroneous, that a revision had been made of his pay from time to time and that on account of the above revision a sum of Rs.1,00,089 had been worked out as over payment made to him for the period from 25.1.83 to 31.3.97 and that this amount would be recovered from his salary/pensionary benefits.

2. Impugning this order and alleging that the action of the respondents in reducing the pay after such a long time is without basis and unsustainable and praying that the impugned order be struck down, the applicant has filed this application.

3. The respondents in their reply statement raised several contentions based on an order of the Government of India, Ministry of Communication No.45-29/86-PAT dated 10th August 1987.

4. The applicant in his rejoinder has contended that the letter 45-29/86-PAT dated 10.8.1987 of the Government of India, Ministry of Communications on which the respondents rely on to support the impugned order has been struck down by the Hon'ble Supreme Court in its judgment in Director General of Posts & Others Vs. B.Ravindran and another, 1997 SCC(L&S) 455 and that therefore the impugned order cannot stand at all.

5. When the matter came up for hearing last time, learned counsel for the respondents took time to consult the respondents in regard to the argument raised by the applicant in the rejoinder and therefore the matter was adjourned to this date. When the matter came up for

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hearing today, learned counsel for the respondents states that in view of the ruling of the Hon'ble Supreme Court in Director General of Posts & Others Vs. B. Ravindran and others, 1997 SCC (L&S) 455 the respondents do not wish to contest the application.

6. In view of the fact that the respondents have withdrawn their contentions and are conceding the prayer in the application, the application is allowed. The impugned order dated 22.4.1997 (Annexure-A2) is set aside and the respondents are directed to disburse the applicant his pensionary dues as if the impugned order did not take effect. No order as to costs.

Dated the 24th day of June, 1997.



A.V. HARIDASAN  
VICE CHAIRMAN

ks.

LIST OF ANNEXURES

Annexure : A2:- True copy of Order No.EQ-2565/58  
dated 22.4.1997 issued by the  
2nd respondent to the applicant.

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