

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.614/04

Wednesday this the 17th day of November 2004

C O R A M :

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

1. N.Venkataramana Rao,
S/o.T.Narayana Rao,
Retired Senior Technical Supervisor,
Trunk Exchange, Trivandrum.
Residing at TC No.37/26,
Pazhavangadi Street, Fort,
Trivandrum - 695 023.
2. T.N.Sivathanu Pillai,
S/o.P.Neelakanta Pillai,
Retired Chief Technical Supervisor,
CTTC, Trivandrum.
Residing at TC 27/1155, Pattoor,
Vanchiyoor P.O., Trivandrum - 35.
3. G.Babu Sacheendranathan Nair,
S/o.K.Gangadharan,
Retired Chief Technical Supervisor,
CTTC, Trivandrum.
Residing at TC 49/102,
Lakshmi Kamaleswaram,
Manakkad PO, Trivandrum - 695 009. Applicants

(By Advocate Mr.M.R.Hariraj)

Versus

1. Union of India represented by
the Secretary to Government of India,
Department of Telecommunications,
Ministry of Communications, New Delhi.
2. Bharath Sanchar Nigam Ltd.,
represented by Chief General Manager,
Telecom, Kerala Circle, Trivandrum. Respondents

(By Advocate Mr.N.Nagaresh)

This application having been heard on 17th November 2004
the Tribunal on the same day delivered the following :

O R D E R

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

The applicants, three in number, retired on superannuation
on 31.12.1996, 31.12.1997 and 31.5.2000 respectively. However
after their retirement they were given promotions to Grade IV

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with effect from 1.1.1995, 1.7.1996 and 1.1.1998 respectively by Annexure A-1 and Annexure A-2 orders. In the orders Annexure A-1 and Annexure A-2 by which they were given retrospective promotions it was also stipulated that their pay would be fixed notionally under FR 22 1 (a) (i). Annexure A-3 order dated 29.10.2002 was issued on behalf of the 1st respondent deciding to fix the applicants pay notionally as also to revise their pension accordingly. Although the applicants were promoted and orders for fixation of their pay on promotion under FR 22 1 (a) (i) and for revision of pension were issued, they were not given the benefits of revision of pension. Since the fixation of pay was ordered to be notional they were not entitled to the arrears. When a similarly situated person K.R.Sankaran finding that he did not get the benefit of revision of pension despite the notional promotion and decision to revise pension he filed O.A.719/02. The respondents in that case contended that in view of Rule 33 and 34 of CCS Pension Rules the pension of the applicant therein could not be revised. He did not as a matter of fact receive salary on the revised rate. The contention was not accepted by the Tribunal and the O.A. was disposed of directing the respondents to revise the pension of the applicant in that case and to make available to him the consequential benefits. Pursuant to the above order of the Tribunal Annexure A-5 order was issued revising the pension of the applicant (K.R.Sankaran). The case for revision of pension of the applicants was taken up by the 2nd respondent by Annexure A-6 and Annexure A-8 letters but no further action on that having been taken the applicants did not get the benefit of revision of pension. Therefore the 2nd applicant submitted Annexure A-7 representation but without

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any response. Under these circumstances the applicants have jointly filed this application for a direction to the respondents to revise the pension and pensionary benefits of the applicants in accordance with the notional fixation of pay pursuant to Annexure A-1 and Annexure A-2 and to grant the applicants all consequential benefits.

2. The respondents resist the claim of the applicants. They admit that the applicants have been retrospectively promoted and Annexure A-2 and Annexure A-3 orders were issued proposing to revise the pension. However they contend that in view of the fact that the applicants did not as matter of fact receive the revised pay pursuant to the retrospective promotions in terms of CCS Pension Rules the enhancement if any in pay cannot be reckoned for the purpose of pension.

3. On a perusal of the pleadings and materials on record and on hearing the learned counsel on either side I find absolutely no reason or substance in the contention of the respondents. The 1st respondent has after due deliberation decided and promoted applicants 1-3 retrospectively after their superannuation and have also taken a decision to revise their pension. The decision to revise pension was taken keeping in view all the provisions of the CCS Pension Rules and it should be deemed that if a relaxation is required that has also been ordered. The respondents, therefore, are bound to implement the order by refixing their pay notionally and revising the applicants pension and pensionary benefits and to make available to them the monetary benefits flowing therefrom.

4. In the light of what is stated above the application is disposed of directing the respondents to refix the pay of the applicants on their notional promotions to Grade IV as per Annexure A-1 and Annexure A-2 and to revise their pension and other pensionary benefits and to make available to them the monetary benefits flowing therefrom within a period of three months from the date of receipt of a copy of this order.

(Dated the 17th day of November 2004)



A.V.HARIDASAN
VICE CHAIRMAN

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