

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.91/2002.

Thursday this the 5th day of December 2002.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

P.Damodara Menon,
Kannampillil House,
Mariamman Koil Road,
Korumbisserry, Irinjalakuda.
Last employed as Telephone Operator under the
Department of Telecommunications. Applicant

(By Advocate S/Shri P.B.Sahasranaman & K.Jagadeesh)

vs.

1. The Chief General Manager,
Bharat Sanchar Nigam Limited,
Thiruvananthapuram.
2. The Deputy Director of Accounts (Postal),
Thiruvananthapuram.
3. The Post Master, Irinjalakuda.
4. Union of India, represented by Secretary,
Ministry of Communications,
New Delhi. Respondents

(By Advocate Shri K. Shri Hari Rao, ACGSC)

The application having been heard on 5th December 2002, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant who retired from the service of the Telecom Department (Now Bharath Sanchar Nigam Limited) was granted a pension of Rs.1275/- and he was also getting the military pension for the service rendered in the Air Force. Vide Annexure A-1 order dated 21.11.1998 his pension was reduced to Rs.1143/- and directed the applicant to remit the excess amount of Rs.4996/drawn by him for the period from 1.1.96 to 31.10.98. He remitted the said amount. Subsequently, the first respondent had given instructions to raise the amount of pension to

Rs.1275/vide letter dated 17.10.2000 (AII). Despite A-II the applicant was paid only Rs.1143/-. The applicant made several correspondences with the respondents and specifically he made a representation dated 6.3.2001(A-III) before the 2nd respondent. The first respondent also requested the 2nd respondent to comply with the instructions in granting pension to the applicant. A copy of the letter dated 24.9.2001 is A-IV. Aggrieved by the fact that the applicant was not granted the full pension of Rs.1275/- as recommended by the Vth Central Pay Commission, he has filed this Original Application under Section 19 of the Central Administrative Tribunals Act 1985, seeking the following reliefs.

- i) To issue appropriate directions or order directing the respondents 2 and 3 to pay minimum pension to the applicant at the rate of Rs.1275/-.
- ii) To issue appropriate directions or order directing the respondents to pay Rs.4990/- and such other amounts withheld by them which was payable to the applicant along with interest at the rate of 18%.
- iii) Such other reliefs which this Hon'ble Court deems fit and necessary in the circumstances of the case."

2. Learned counsel of the respondents submitted that the matter regarding payment of pension cannot be ascertained due to the absence of confirmation from DOT (Department of Pension and Pensioners' Welfare) or from the Postal Directorate) New Delhi as to whether to raise the minimum pension to Rs.1275/- is individually or to the pensioners drawing more than one pension and therefore, the respondents are not in a position to take any decision in the matter. Therefore respondents are waiting for getting clarification on this point and assured that if a clarification is received, the benefit would be granted to the applicant without any further delay.

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3. After arguing these matters, learned counsel for the applicant submitted that if that is so, the applicant would be satisfied if the representation A-III addressed to the 2nd respondent be disposed of within a time frame. Learned counsel for the respondents also agreed to take that recourse and assured that, considering the above aspects, the matter would be finalised within three months.

4. In the above circumstances, this Court directs the 2nd respondent or any other authority who is competent to dispose of the representation on behalf of the Postal department, to consider the A-3 representation with reference to the extant rules, regulations and clarifications from the concerned authorities and dispose of the same as expeditiously as possible, in any case, within a period of three months from the date of receipt of a copy of this order. This Court makes it clear that the time schedule will be adhered strictly, since the applicant is a pensioner. With the above observations the Original Application is disposed of.

5. In the circumstances there is no order as to costs.

Dated the 5th December 2002.



K.V. SACHIDANANDAN
JUDICIAL MEMBER

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A P P E N D I X

Applicant's Annexures:

1. A-I: True photostat copy of the letter of the 3rd respondent dated 21.11.98.
2. A-II: True photostat copy of the letter of the 1st respondent, dated 17.10.2000.
3. A-III: True photostat copy of the representation filed by the applicant before the 2nd respondent, dated 6.3.2001.
4. A-IV: True photostat copy of the letter of the 1st respondent, dated 24.9.2001.

Respondents' Annexures:

1. R-1a: True copy of the letter No.36-2/2000-Pen(T) dated 3.4.2000 of the Government of the Department of Telecommunications, government of India.
2. R-1b: True copy of the letter No.TA/10-1/Pen.Rev/97-2000-93 dated 1.5.2000 of the 1st respondent.
3. R-1c: True copy of the letter No.DOT Cell/KRL/1-1/R1gs-2/01-02/K dated 11.12.2001 of the 1st respondent.

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