

1.

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.Nos.101/11 & 102/11

Tuesday this the 31<sup>st</sup> day of January 2012

C O R A M :

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

O.A.101/11

1. M.Ramadasan  
S/o late A.K Gopalan Nair  
residing House No.1-379, Dhanya, Vilavath Temple Lane  
Vattakkattupady, Perumbavur P.O,  
Pin code-683.542, Ernakulam District  
Kerala State (Retired as AE E/M on  
31.07.2008 – MES No.116496)
2. C.K Gangadharan, 62 years, S/o late K.K Nair  
residing at Giji Nivas  
Chakkitada Road, Eranhipalam, Calicut -673 006  
Kerala State (retired as AE E/M on 31.05.2008 -  
MES No. 182089)

...Applicants

(By Advocate Mr.Peequs A Kottam)

V e r s u s

1. Union of India, Ministry of Defence, South Block  
New Delhi – 110 011, represented by its Secretary
2. Engineer-in-Chief, Army Headquarters, Kashmir House,  
New Delhi – 110 011
3. Chief Engineer, Southern Command, Pune – 411 001
4. Director, Central Record Office (Officers),  
Pincode – 900 106, C/o.56 APO
5. Principal Controller of Defence Accounts (Officers-Pension)  
Allahabad, Uttar Pradesh – 211 014
6. Garrison Engineer (P) No.1, Naval Academy, Ezhimala,  
Kannur, Kerala – 670 310
7. Garrison Engineer (I) E/M (NW), Cochin, Naval Base P.O  
Cochin – 682 004

... Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC)

O.A 102/11

V.K Sukumaran, S/o late Kesavan  
 Residing at Vetroth House  
 Iringole P.O, Perumbavur  
 Ernakulam District, Pincode-683 548  
 Kerala (retired as AE-E/M on 30.06.2006)

..... Applicant

(By Advocate Mr.Peeyus A Kottam)

**V e r s u s**

1. Union of India, Ministry of Defence, South Block  
 New Delhi – 110 011, represented by its Secretary
2. Engineer-in-Chief, Army Headquarters, Kashmir House,  
 New Delhi – 110 011
3. Chief Engineer, Southern Command, Pune – 411 001
4. Director, Central Record Office (Officers),  
 Pincode – 900 106, C/o.56 APO
5. Principal Controller of Defense Accounts (Officers-Pension)  
 O/o PCDA(O-P),  
 Allahabad, Uttar Pradesh – 211 014
6. Garrison Engineer (I) E/M (NW), Cochin, Naval Base P.O  
 Cochin – 682 004

... Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC)

These applications having been heard on 31<sup>st</sup> January 2012 this  
 Tribunal on the same day delivered the following :-

**O R D E R**

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

1. These Original Applications have been filed praying for the following reliefs:-

“ (i). To direct respondents to disburse pay scale re-fixed as per 2<sup>nd</sup> ACP with effect from 09.08.1999 and also to disburse pay scale re-fixed as per 6<sup>th</sup> Central Pay Commission with effect from 01.01.2006 with interest @ 12% per annum from date, on which such amount is due till date, on which actual disbursement is effected.

(ii) To direct respondents to re-fix entire retirement benefits including pension as per revised pay scale on the basis of 2<sup>nd</sup> ACP and 6<sup>th</sup> Central Pay Commission and also direct them to disburse arrears on the basis of such re-fixation within a reasonable time as fixed by this Honourable Tribunal with interest @ 12% per annum from the date, on which such amount is due till the date, on which actual disbursement is effected.

(iii) To award such other reliefs as may be prayed for and this Honourable Tribunal may deem fit to grant."

2. The respondents in their reply statement have submitted as under:-

(a) Grant of 2<sup>nd</sup> financial upgradation under ACP Scheme has been approved w.e.f 09 Aug 99 by the competent authority on 17 Oct 2011.

(b) The bills for arrears on account of 2<sup>nd</sup> financial upgradation under ACP scheme have been forwarded to audit authorities on 05 Jan 2012 for their verification and release of payment which is expected by end of Feb 2012.

(c) Pay fixation under CCS (Revised pay) Rules 2008 is in active progress.

(d) Arrears of pay and allowances which would arise on account of refixation will also to be considered actively.

(e) As and when the pay is fixed, the case for revised pensionary benefits will be intiated to CDA (Pension) Allahabad through CRO (Officers) Delhi Cantt/CDA Chennai.

3. Taking judicial note of the above, these Original Applications are closed with a direction to the respondents that the entire action as committed by the respondents shall be completed within three months from the date of receipt of certified copy of this order as per the following schedule:-

(1) Payment of arrears on account of ACP 2<sup>nd</sup> financial upgradation as well as pay fixation shall be completed within two months by the 2<sup>nd</sup> respondent.

(2) Action with regard to fixation of revised pension and payment of arrears of revised pension etc shall be completed within three months from the date of communication of this order by the 5<sup>th</sup> respondent.

4. Needless to specify that if the applicants have any grievance in respect of fixation of pay/pension, they are at liberty to take necessary action in accordance with law. A copy of this order shall be sent separately by the Registry to R2 and R5 for due compliance.

5. Accordingly, these Original Applications are closed. No costs.

(Dated this the 31<sup>st</sup> day of January 2012)

**K.NOORJEHAN**  
**ADMINISTRATIVE MEMBER**

SV

**Dr.K.B.S.RAJAN**  
**JUDICIAL MEMBER**