

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.118/04

Friday this the 8th day of October 2004

C O R A M :

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

M.R.Pankajakshan Nair,
Retired Mails Overseer,
Postal Sub Division, Cherthala,
Alappuzha Postal Division, Alappuzha.
Residing at Rama Mandiram, Mancompu P.O.,
Alappuzha District.

Applicant

(By Advocate Mr.K.R.B.Kaimal)

Versus

1. Union of India represented by
the Secretary, Department of Posts,
New Delhi.
2. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
3. The Postmaster General,
Kerala Circle, Kochi.
4. The Superintendent of Post Offices,
Alappuzha Division,
Alappuzha - 688 019.

Respondents

(By Advocate Mr.M.Rajeev,ACGSC)

This application having been heard on 8th October 2004 the
Tribunal on the same day delivered the following :

O R D E R

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

The applicant was permitted to retire from service
voluntarily with effect from 1.1.1996 Forenoon under Rule 48A of
Central Civil Services Pension Rules 1972. His terminal benefits
was computed and paid to him only as per the rules applicable as
on 31.12.1995. Finding that the Hon'ble High Court of Kerala in
its decision in 2003(3) KLT 387 held that a person retired on
31.12.1995 should be deemed to have effectively retired and
become a pensioner only with effect from 1.1.1996 and therefore
entitled to terminal benefits computed accordingly submitted

representation (Annexure A-3) for revision of his terminal benefits. His request was turned down by order dated 23.1.2004 (Annexure A-4) on the ground that Chief Postmaster General, Kerala had intimated that the judgement of the Hon'ble High Court of Kerala in 2003(3) KLT 387 is not applicable to the applicant as he was not a party to the said judgement and that no general orders had been received for revision of pensionary benefits to those who had retired on 31.12.1995. Aggrieved the applicant has filed this application seeking to set aside the impugned order and for a direction to the respondents to revise retirement benefits of the applicant with effect from 1.1.1996 in terms of revision of pensionary benefits effective from 1.1.1996 and to make available to the applicant the consequential benefits like enhanced computed value of pension, DCRG etc. within a reasonable time.

2. Respondents contend that the judgement of the Hon'ble High Court of Kerala referred to is not applicable to the case of the applicant, that in the case of the applicant the date on which he has been allowed to retire having been treated as non working day he would not be entitled to the benefits of revision of pension claimed by him.

3. I have gone through the materials available on record and have heard the learned counsel. The question whether a person allowed to retire prematurely on 1st January of a year would be entitled to have his terminal benefits effective from the 1st of that year is no more res integra. The Hon'ble Apex Court has in S.Banerjee Vs. Union of India (AIR 1990 SC 285) upheld the claim of the appellant before it for the benefit of revised rate of

✓

pension effective from 1.1.1986 on which date he was allowed to retire voluntarily. The Hon'ble High Court of Kerala has in Union of India Vs. George reported in 2003 (3) KLT 387 upheld the decision of this Bench of the Tribunal that a person who retired on 31.12.1995 should become a pensioner only with effect from 1.1.1996 and would be entitled to have retirement benefits computed and paid accordingly. In the light of the above decisions the issue is fully covered and the contention of the respondents that the applicant would not be entitled to have his retirement benefits computed in terms of the Revised Pension Rules effective from 1.1.1996 is absolutely untenable.

4. In the result the impugned order is set aside and the respondents are directed to revise the retirement benefits of the applicant with effect from 1.1.1996 in terms of Revised Pension Rules effective from 1.1.1996 and to make available to him the revised pensionary benefits including enhanced computed value of pension, gratuity etc. within a period of two months from the date of receipt of a copy of this order. No order as to costs.

(Dated the 8th day of October 2004)



A.V. HARIDASAN
VICE CHAIRMAN

asp