

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 131 of 2010

Wednesday, this the 30th day of June, 2010

CORAM:

Hon'ble Mr. Justice K. Thankappan, Judicial Member
Hon'ble Ms. K. Noorjehan, Administrative Member

M.D. Bharathikutty Amma, aged 70, W/o. M.G. Vijayan Menon (late),
Craft Instructor (retired), Education Department, UT of Lakshadweep,
Kavarathy, Residing at Mullakkal House, Pattanakkad P.O., Cherthala,
Alleppey District. Applicant

(By Advocate – Mr. P.V. Mohanan)

V e r s u s

1. The Administrator, Union Territory of Lakshadweep,
Kavarathy.
2. The Director, Education Department,
Kavarathy. Respondents

(By Advocate – Mr. S. Radhakrishanan)

This application having been heard on 30.6.2010, the Tribunal on the
same day delivered the following:

ORDER

By Hon'ble Mr. Justice K. Thankappan, Judicial Member -

The applicant filed this Original Application with the following
prayers:-

“1. To direct the respondents to fix the pay of the applicant in
selection grade on completion of 24 years of service from 23.5.1963 as
envisaged in Annexure A5 Order dated 12.8.1987 and revised pay
revision orders and to refix the pension w.e.f. 1.11.1998 based on
fixation of pay.

2. To direct the respondents to reckon the island special pay (Rs.
500/-) as part of basic pay under CCS (Revised) Pay rule and re-

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compute the pension based on emoluments after reckoning the island Special Pay and disburse the same w.e.f. 1.11.1998 with interest at the rate of 12% per annum from 1.11.1998 till the date of actual payment.

3. Any other appropriate order or direction as this Hon'ble Tribunal deem fit in the interest of justice."

2. This Original Application has been admitted by this Tribunal and notices ordered. In pursuance to the receipt of the notice ordered from this Tribunal, though no reply statement has been seen filed the counsel appearing for the respondents Mr. S. Radhakrishanan submits that as per order No. 36/6/2010-Edn./827, dated 25.3.2010 the claims of the applicant have been considered and necessary steps were already been taken to allow the claims of the applicant. For that purpose the Pay and Accounts Officer of the Department was also authorized for revision of the pensionary benefits and with regard to the selection grade the steps are also being taken.

3. Before considering the case a preliminary objection has been raised by the counsel appearing for the respondents with regard to the multiple prayers contained in the Original Application and it is hit by Rule 10 of the Central Administrative Tribunal (Procedure) Rules, 1987. The said rule provides that an application shall be based upon a single cause of action and may seek one or more reliefs provided that they are consequential to one another. A reading of the said rule would show that the prayers now contained in the Original Application are of plural in nature. If so, her only one prayer can be allowed. The rest of the prayer un-connected with the earlier one has to be reduced and the applicant is allowed to file another

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OA. However, as per rules it is correct as the applicant wanted plural remedies namely fixation of his pay and on the basis of that pension shall also be refixed. Along with that prayer the applicant wants to declare that the island special pay shall also be declared as part of the basic pay for the purpose of pension. This question we have considered and as per the rules stands now the island special pay cannot be considered as part of the basic pay as per Rule 33 of the Central Civil Services (Pension) Rules, 1972. If so, the applicant's prayer is not connected with the earlier prayer. Further as far as the case of the applicant now in hand she claims that the allowances is for the period when this position was not upheld by this Tribunal or any other court of law. Apart from that by some inter party judgments the decisions were in favour of the applicant. If so, the case of the applicant is different from the application of the rule position. Therefore, we are answering the preliminary questions raised accordingly.

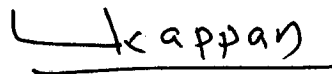
4. The next question to be considered is that in the light of the order passed by the respondents whether the Original Application can be disposed of or not. As far as the second prayer of the applicant is concerned the department has already considered the matter and has taken necessary steps as per the order referred to above. If so, the remaining part of the Original Application is with regard to the selection grade of the applicant and for this the Department is taking steps for verification and the decision will be informed to the applicant immediately. Thus, the Original Application itself can be disposed of by directing the respondents to consider the first prayer of the applicant and to give a reply to the applicant within a reasonable time

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at any rate within two months from the date of receipt of a copy of this order as they have assured before this Tribunal. Ordered accordingly.

5. With the above direction the Original Application is disposed of as stated above with no order for costs.


(K. NOORJEHAN)
ADMINISTRATIVE MEMBER


(JUSTICE K. THANKAPPAN)
JUDICIAL MEMBER

"SA"