

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No. 149 OF 2011

Tuesday, this the 05th day of June, 2012

CORAM:

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

V.R Somasekharan Nair, aged 64 years
 S/o. Late Ramachandran Nair
 Residing at Panaveliparambu House
 Pazha Veedu P.O
 Alappuzha District
 Pincode – 688 009
 Kerala

Applicant

(By Advocate – Mr.Peeyus A Kottam)

Versus

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. Headquarters Chief Engineer,
 Southern Command
 Pune – 411 001, Maharashtra
4. Director, Central Record Office (Officers)
 Pincode – 900 106
 C/o 56 APO
5. Principal Controller of Defence Accounts (Officers -Pension)
 Allahabad, Uttar Pradesh
6. Garrison Engineer (Army)
 Thirumalai P.O
 Trivandrum – 695 006

- Respondents

By Advocate – Mr.Sunil Jacob Jose, SCGSC



The application having been heard on 05.06.2012, the Tribunal on the same day delivered the following:

ORDER

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

1. The applicant has made the following prayers:-

" (i) To direct the respondents to disburse the pay scale re-fixed as per 2nd ACP which is due since December 2005 and also direct to re-fix the applicant's pay scale as per 6th Central Pay Commission with effect from 01.01.2006 and disburse the arrears with interest @ 12% per annum from the date, on which such amount is due till the date, on which the actual disbursement is effected.

(ii) To direct the respondents to re-fix retirement benefits including pension as per the revised pay scale on the basis of 2nd ACP and 6th Central Pay Commission and also direct them to disburse the 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 the actual disbursement is effected. "

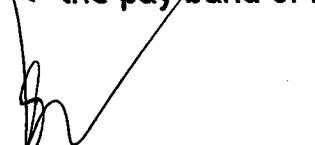
2. In the reply statement the respondents have stated that the applicant has been paid the following benefits:-

"3(a) Amount paid on account of arrears on pay fixation of 2nd ACP and RPR 2006 arrears Rs.1,37,328/- vide DV No.144 of 3/2011.

(b) Leave Encashment based on revised pay fixation paid Rs.98,784/- vide DV No.29 of 6/2011.

(c) As regards to the payment of Revised Pension, Commutation, Gratuity, Family Pension etc, a copy of Corrg PPO No.C/CORR/ENG/30764/2011 dated 19 Aug 2011 has already been forwarded to the Manager SBT Alapuzha with copy to the applicant. "

3. The respondents have also submitted that dues as per the 2nd ACP in the pay band of Rs.15600-Rs.39100 + GP 6600 with effect from 01st January



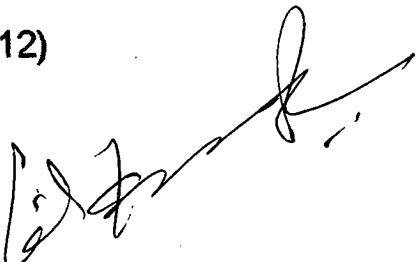
2006 under CCS (Revised Pay) Rules 2008 have also been paid to the applicant and the applicant is now drawing revised pension. As such, no further grievance subsists.

4. The applicant's claim regarding MACP benefits has been made by the counsel for the applicant, but the same is not permissible in the case of the applicant as the applicant retired with effect from 31.05.2007 whereas the MACP Scheme came into force from 01.09.2008.

5. In view of the above, the Original Application is closed without any further orders, as no grievance subsist.

(Dated, this the 05th day of June, 2012)


K. NOORJEHAN
ADMINISTRATIVE MEMBER


DR.K.B.S RAJAN
JUDICIAL MEMBER

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