

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 150 of 2011

Tuesday, this the 11th day of December, 2012

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member

Hon'ble Mr. K. George Joseph, Administrative Member

K. Surendran, aged 64 years, S/o. Late Krishnan, residing at House No. 249, 5th Cross, MCECHS Layout, Dr. Shivaram Karanth Nagar, PO, Bangalore-560 077, Karnataka.

Applicant

(By Advocate – Mr. Peeyus A. Kottam)

V e r s u s

1. Union of India, Ministry of Defense, 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.
4. Director, Central Record Office (Officers), Pincode-900106, C/o. 56 APO.
5. Principal Controller of Defense Accounts (Officers-Pension), Allahabad, Uttar Pradesh.
6. Garrison Engineer (A/F), IAF Headquarters Training Command Campus, Hebbal, Bangalore-560 006.

Respondents

(By Advocate – Mr. Sunil Jacob Jose, SCGSC)

This application having been heard on 11.12.2012, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Mr. Justice P.R. Raman, Judicial Member

The applicant is aggrieved by the inaction on the part of the respondents in not finalizing his pay fixation as per 2nd ACP and 6th Pay Commission and retirement benefits on that basis. He placed reliance on the decision of the Bangalore Bench of the Tribunal in OA No. 540 of 2002, OA No. 595 of 2002 and OA No. 634 of 2004. It is his case that the benefit conferred as per the decision rendered therein has not been extended to the applicant who is similarly situated. The prayer made in the OA are as

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follows:-

"(i) The applicant's pay scale is to be re-fixed and approved on the basis of his promotion as EE-E/M with effect from 1.4.2005 on notional basis and on the basis of pay fixation, his retirement benefit including pension is to be re-fixed and such arrears should be cleared with interest @ 12% per annum from the date, on which such amount is due till actual disbursement.

(ii) To direct the respondents to complete procedural formalities to re-fix applicant's pay scale as per 2nd ACP with effect from 9.8.1999 and direct the respondents to disburse the arrears with 12% interest per annum within a reasonable time, as fixed by this Honourable Tribunal.

(iii) To direct the respondents to complete the procedural formalities to fix applicant's pay scale as per 6th central pay commission with effect from 1.1.2006 and also direct the respondents to disburse the arrears, which are due, with interest @ 12% per annum.

(iv) To direct the respondents to fix the applicant's retirement benefits in the light of pay fixation as above and to disburse all these arrears within a reasonable time, as fixed by this Honourable Tribunal with interest @ 12% per annum from the date of retirement of the applicant.

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

AND

(vi) To award cost of this Original Application."

2. During the pendency of the OA his revised pension has been refixed in accordance with the 2nd ACP benefit and communication already sent to him is placed on record which reads as follows:-



"HOO'S COPY

OFFICE OF THE PRINCIPAL CDA (PENSIONS) ALLAHABAD

Corrg. P.P.O. No. C/CORR/ENG/13613/2012

PAY SCALE/PAY BAND:15600-39100 GRADE PAY:06600

THIS OFFICE ORIGINAL PPO NOC/ENG/18087/2005 AS AMENDED BY CORRIGENDUM
PPO NO. C/CORR/ENG/30551/2011

NOTIFYING PENSIONARY AWARD IN RESPECT OF

NAME SURENDRAK K

POST ASSISTANT ENGINEER E.M.

OFFICE GARRISON ENGINEER, AF BANGALORE

IS FURTHER AMENDED AS UNDER

FOR COLUMN LAST BASIC PAY RS:19910 READ RS:22230
FOR GRADE PAY RS:04600 READ RS:6600FOR COL. PENSION SANCTIONED P.M.FOR LIFE RS.12255 READ RS.14415
RUPEES: FOURTEEN THOUSAND FOUR HUNDRED FIFTEEN ONLYFOR COLUMN AMOUNT COMMUTED RS:4902 READ AS:5766
FOR COL. RESIDUAL PENSION PER MONTH RS:7353 READ RS:8649
RUPEES: EIGHT THOUSAND SIX HUNDRED FORTY NINE ONLYFOR COLUMN RETIREMENT GTY. RS:404415 READ RS:475695
RUPEES: FOUR LAKH SEVENTY FIVE THOUSAND SIX HUNDRED NINETY FIVE ONLY.
(DA 00% OF LAST PAY ADDED FOR CALCULATION OF RET. GRATUITY)DIFF. OF RETIREMENT GRATUITY TO BE PAID (+) RS:71280
RUPEES: SEVENTY ONE THOUSAND TWO HUNDRED EIGHTY ONLY.FOR COL. CAPITALISED VALUE OF PEN. RS:0543206 READ RS:0628162
RUPEES: SIX LAKH TWENTY EIGHT THOUSAND ONE HUNDRED SIXTY TWO ONLY.
DIFFERENCE OF CAP. VALUE TO BE PAID (+) RS: 84956
RUPEES : EIGHTY FOUR THOUSAND NINE HUNDRED FIFTY SIX ONLY.FOR COL. ENHANCED RATE OF FAMILY PENS. RS: 12255 READ RS: 14415
RUPEES: FOURTEEN THOUSAND FOUR HUNDRED FIFTEEN ONLY.FOR COL. NORMAL RATE OF FAMILY PENS. RS: 7353 READ RS: 8649
RUPEES: EIGHT THOUSAND SIX HUNDRED FORTY NINE ONLY.

IMPORTANT NOTE-

1. ALL INSTRUCTIONS OVERLEAF STAND DELETED.
2. DEARNESS RELIEF ON PEN./FP. IS PAYABLE IN ADDITION IN TERMS OF MIN. OF P.P.G & PENSIONS O.M. NO.42/2/08 P&PW(G) DT.12.9.2008 AND FURTHER AT THE RATE AS NOTIFIED FROM TIME TO TIME AND PAYMENT OF DEARNESS RELIEF ON PRE REVISED PENSION MAY BE ADJUSTED BEFORE MAKING PAYMENT.

OTHER ENTRIES AND INSTRUCTIONS ON ORIGINAL PPO REMAIN UNCHANGED

PLACE AND CHANNEL OF PAYMENT BANK A/C NO. 22161

SYNDICATE BANK HQTC IAF CAMPUS HEBBAL
BANGALORE KERALASd/-
FOR CDA (PENSIONS)

COPY TO

1. SYNDICATE BANK, GANDHI NAGAR, BANGALORE
PENSION CERTIFICATE MAY PLEASE BE AMENDED ACCORDINGLY
2. HOO CRO OFFRS E IN C EIB C/O CE DELHI ZONE D CANTT
3. Officer-in-charge Audit-1 Section

DATE OF DESPATCH 18 SEP 2012

3. In the above circumstances relief as sought for remains granted by orders passed. Though the applicant claim interest, since the reliefs were granted without waiting for any adjudication, in the factual situation we decline to award any interest. OA stands disposed of. No costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

“SA”