

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.188/2000

Thursday, this the 12th day of April, 2001.

CORAM:

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

K.M.Krishnan Nair,
Kaniyathuparambil,
Kureekkad,
Ambalamedu.P.O.
Ernakulam District-682 303. - Applicant

By Advocate Mr KG Anil Babu

Vs

1. The Union of India represented by
 the Additional Secretary(Pension),
 Ministry of Personnel,
 Public Grievances & OPensions,
 Department of Pension &
 Pensioners Welfare,
 New Delhi.
2. The Deputy Director Postal Accounts,
 Kerala Circle,
 Thiruvananthapuram-695 010. Respondents

By Advocate Ms Rajeswari.A, ACGSC

The application having been heard on 12.4.2001, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant is aggrieved by the reduction in
pension, as ordered by A-1 of February, 1999. The applicant,
who was in Military service for over 15 years, was discharged
on 30.6.1978 and was re-employed in the Postal Department as
Chowkidar in January 1983. He retired on superannuation on
28.2.1999. While fixing his monthly pension in the wake of
his retirement on superannuation, the second respondent

reduced the monthly pension after commutation to Rs.442/-, allegedly on the basis of the floor ceiling of Rs.1275/- as per Clause 5(i) of A-2 order dated 27.10.1997. The applicant's case is that the said floor ceiling is applicable to pre-1996 pensioners.

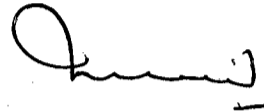
2. When the case came up for hearing, learned counsel on both sides agreed that the facts are fully covered by this Tribunal's consolidated order in O.A.783/98 and O.A.784/98 dated 19.7.98(A-3). It was also revealed that the O.P. filed in those cases by the respondents has since been dismissed. A copy of the judgement in O.P.2971/2000, seen also by the respondents' counsel, has been produced for my perusal.

3. On consideration of the facts and circumstances of the case, I hold that the reduction of monthly pension as reflected in A-1 order is uncalled for. The findings of this Tribunal's order in O.A.783/98 and O.A.784/98 are to be followed in this case. It is also noted that the O.P. filed by the respondents' objection has since been rejected by the Hon'ble High Court of Kerala. It is ordered that the applicant ~~may~~ be allowed pensionary benefits in accordance with the rules, regulations and extant orders in consonance with the Vth Pay Commission recommendations with ~~the~~ consequential arrears, if any. The respondents shall give effect to the above direction within a period of two months

from the date of receipt of copy of this order. The prayer for interest is not entertained on the given facts.

4. The O.A. is disposed as aforesaid. No costs.

Dated, 12th of April, 2001.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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LIST OF ANNEXURES REFERRED TO IN THE ORDER:

1. A-1: True copy of the Pension Payment Order No.7656/LPS/TVM dated 2/99, issued by the 2nd respondent.
2. A-3: True copy of the order of this Tribunal in O.A.783/98 and O.A.784/98 dated 19.7.99.