

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ERNAKULAM BENCH**

**Original Application No. 23 of 2009**

**Friday, this the 15th day of January, 2010**

**CORAM:**

**Hon'ble Mr. George Parackal, Judicial Member**

P. Anandan, aged 69 years, Staff No. J. 121,  
 Retired Fireman-A, Thuruthippalil House,  
 Kandamkulangara, Kunhimangalam,  
 Kannur.

..... **Applicant**

**(By Advocate – Mr. Varghese Prem - Not present)**

**V e r s u s**

1. Union of India, Repersented by the General Manager,  
 Southern Railway, Madras-3.
2. Sr. Divisional Personnel Officer, Southern Railway,  
 Palakkad.

..... **Respondents**

**(By Advocate – Mr. Thomas Mathew Nellimoottil)**

This application having been heard on 15.1.2010, the Tribunal on the same day delivered the following:


**ORDER**

The relief sought by the applicant in this OA is to issue a direction to the respondents to disburse the retiral benefits to him without any further delay with compound interest at market rate over the arrears of pension and other retirement benefits at least with effect from the date of Annexure A-1. Annexure A-1 is an award of the Industrial Tribunal, Palakkad dated 15.3.2000 in Industrial dispute No. 36 of 1997 (C) between the Senior Divisional Personnel Officer, Southern Railway, Palakkad and another Vs. the General Secretary, Southern Railway, Labour Union, Edappally North,



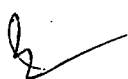
Kochi. The issue considered in the said dispute was as to whether the action of the respondents herein in terminating the Applicant herein from service was legal and justified? If not, to what relief he was entitled? The Industrial Tribunal held that the disciplinary action taken against the applicant and his termination from service were illegal and unjustified. In normal course, he was entitled for the relief of reinstatement with backwages. However, since, the applicant had already attained the age of superannuation the Tribunal held that there was no question of his reinstatement. As the applicant had absented from duty for more than one year without complying with Medical Attendance Rules and the Indian Railway Establishment Code Volume-I, it was not proper to award him any backwages. The Tribunal has therefore, held that ends of justice would be met if the respondents herein give him retirement benefits as if he continued in service without break till the date on which he attained the age of superannuation.

2. The respondents herein challenged the aforesaid order of the Tribunal before the Hon'ble High Court of Kerala in OP No. 25770 of 2000 but the same was dismissed on 13.2.2006. Thereafter, the respondents issued Annexure R-1 letter dated 26.3.2009 holding that the applicant is entitled to retirement benefits as if he had continued in service without any break till the date on which he has attained the age of superannuation i.e. w.e.f. 31.1.1998. The respondents have also decided to pay him the retirement benefits after disallowing the non-qualifying service period. Subsequently, applicant vide his Annexure R-2 letter dated 26.7.2009 requested the Divisional Personnel Officer, Southern Railway, Palakkad to make the



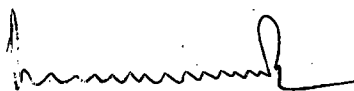
payment of his settlement dues through the Payyannur Railway Office as he is hospitalized/bet ridden in Sabah Hospital, Payyannur.

3. Respondents in their reply has submitted that on receipt of the pension papers from the applicant, his settlement dues were worked out and an amount of Rs. 98,514/- was found payable to him on account of death cum retirement gratuity. Another amount of Rs. 7,856/- was found payable to him on account of Group Insurance Scheme. From the above amount, Rs. 6,071/- was deducted towards Railway Employees liberalized health scheme and Rs. 5,366/- towards the Group Insurance Scheme which could not be recovered from the applicant while he was in service as he was not drawing any salary owing to his absence in different spells and interest thereon. The amount due to him was arranged for payment through the Staff & Welfare Inspector in the SABA Hospital, Payyanur on 7.8.2009 as he was bedridden in the Hospital as per his written request dated 26.7.2009. He was also sanctioned superannuation pension of Rs. 2,592/- with effect from 1.2.1998 to 31.3.2004 and Rs. 3,888/- thereafter till 31.12.2005. His family pension was worked out to Rs. 2,172/- plus relief and enhanced family pension of Rs. 2,592/- plus relief payable to his wife Smt. Narayani till her life time/re-marriage which ever is earlier as per Pension Payment Order No. 0605221423. The revision of applicant's pension from 1.1.2006 consequent on the implementation of VIth Pay Commission recommendation is under process. The commuted value of pension will be arranged to him after medical examination.



4. In view of the above position, I find that respondents have already met substantial part of the relief sought by the applicant. The only question that was not decided by the respondents was about the payment of interest. It is seen that the Industrial Tribunal, Palakkad in its award dated 15.3.2000 directed the respondents to reinstate the applicant in service and give him retirement benefits as if he continued in service without break till the date on which he has attained the age of superannuation. Though the aforesaid order was challenged before the Hon'ble High Court of Kerala in OP No. 25770 of 2000 the same was dismissed on 13.2.2006. Therefore, the applicant is entitled for the interest at 8% per annum on all his retirement dues from 15th March, 2000 onwards till the date on which it is actually paid. The respondents shall comply with the aforesaid directions preferably within a period of two months from the date of receipt of a copy of this order.

5. Accordingly, the OA is disposed of. There shall be no order as to costs.

  
(GEORGE PARACKEN)  
JUDICIAL MEMBER

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