

**Central Administrative Tribunal
Ernakulam Bench**

OA No.244/2013

Tuesday, this the 23rd day of June, 2015

CORAM

HON'BLE MR.JUSTICE N.K.BALAKRISHNAN, JUDICIAL MEMBER
HON'BLE MR.R.RAMANUJAM, ADMINISTRATIVE MEMBER

1. Prasannakumar V., 50 years
S/o late N.Velayudha Kurup
Lower Division Clerk
O/o The Chief Engineer (Naval Works)
Kataribagh, Naval Base (PO)
Kochi 682 004.
2. Baby E.T., 54 years
S/o late Thomas
Lower Division Clerk
O/o The Garrison Engineer (Naval Services)
Kataribagh, Naval Base (PO)
Kochi 682 004.
3. Gireesan Nair.J., 50 years
S/o late A.Jagannathan Nair
Lower Division Clerk
O/o The Garrison Engineer (Naval Services)
Kataribagh, Naval Base (PO)
Kochi 682 004.
4. Rajan.A., 48 years
S/o late Krishnankutty Guptan
Lower Division Clerk
The Commander Works Engineer (Naval Works)
Kataribagh, Naval Base (PO)
Kochi 682 004.
5. Sreekumaran O.C., 51 years
S/o late P.V.K.Nair
Lower Division Clerk
O/o The Chief Engineer (Naval Works)
Kataribagh, Naval Base (PO)
Kochi 682 004.
6. Reghu.K., 51 years
S/o late A.K.Krishna Pillai
Lower Division Clerk

O/o The Garrison Engineer (Naval Services)
Kataribagh, Naval Base (PO)
Kochi 682 004.

7. B.Balakrishna Pillai, 54 years
S/o late N.Bhaskaran Pillai
Lower Division Clerk
O/o The Commander Works Engineers (Air Force)
Headquarters, Southern Air Command, IAF Complex
Thuruvickal (PO), Trivandrum 695 031.
8. Gopakumar. P., 51 years
S/o late G.Parameswaran Nair
Lower Division Clerk
O/o The Commander Works Engineers (Air Force)
Headquarters, Southern Air Command, IAF Complex
Thuruvickal (PO), Trivandrum 695 031.
9. Ravi.R., 48 years
S/o Late Kochukittan
Lower Division Clerk
O/o The Garrison Engineer (Air Force) Pulayanarkota
Thuruvical Post, Trivandrum 695 031.
10. Franclin Jose P.S., 48 years
S/o R.Sathyadas
Lower Division Clerk
O/o The Commander Works Engineers (Air Force)
Headquarters, Southern Air Command
IAF complex, Thiruvikcal (PO)
Trivandrum 695 031.
11. Harikrishna Pillai. R., 49 years
S/o V.Ramakrishna Pillai
Lower Division Clerk
O/o The Garrison Engineer (Naval Works)
Kataribagh, Naval Base (PO)
Kochi 682 004.
12. Bhanukuttan V.M., 53 years
S/o Late N.Madhavan Nair
Lower Division Clerk
O/o the Garrison Engineer, Fort Kochi,
Veli (PO), Kochi 682 001.
13. John K.V., 51 years
S/o Varkey
Lower Division Clerk

O/o The Assistant Garrison Engineer (Independent)
Research & Development, Kakkanad, Kochi 682 021.

14. Mahesh Babu K.R., 51 years
S/o Late K.Raman
Lower Division Clerk
O/o The Garrison Engineer (Naval Services)
Kataribaagh, Naval Base (PO)
Kochi 682 004.
15. Rajan G, 47 years
S/o Late B.George
Lower Division Clerk
O/o The Garrison Engineer
Fort Kochi 682 001.
16. Rajagopalan C.V., 50 years
S/o late T.V.Gopalakrishna
Lower Division Clerk
O/o The Commander Works Engineers
Ezhimala Naval Academy
Post Kannur 670 310
17. Janardanan M.V., 55 years
S/o Late Kannan
Lower Division Clerk
O/o The Garrison Engineer (Project)
(Naval Works), Naval Base (PO)
Kochi 682 004.
18. George K.T., 52 years
S/o K.V.Thomas
Lower Division Clerk
Garrison Engineer (Project) (Naval Works)
South Kochi, Naval Base (PO)
Kochi 682 004.
19. Chandrasenan R, 46 years
S/o Late P.Raghavan Pillai
Lower Division Clerk
O/o The Chief Engineer (Naval Works)
Kochi 682 004.
20. Thomas V.S., 54 years
S/o Late K.V.Souri
Lower Division Clerk
O/o The Garrison Engineer (Naval Services)
Kochi 682 004.

21. Thampi P.A., 53 years
 S/o Esthappan Alexander
 Lower Division Clerk
 O/o the Garrison Engineer (Naval Services)
 Katari Bagh, Naval Base (PO)
 Kochi 682 004.

Applicants

(By Advocate: Mr.P.K.Madhusoodhanan)

Versus

1. The Chief Engineer, Headquarters
 Southern Command, Pune 411 001
2. Engineer-in-Chief
 Engineer-in-Chief's Branch
 Army Headquarters, DHQ P.O.
 New Delhi 110 001
3. The Secretary
 Ministry of Personnel, Public Grievances & Pension
 Department of Personnel & Training
 Government of India
 New Delhi 110 001.
4. Union of India
 represented by its Secretary, Ministry of Defence
 Government of India
 New Delhi 110 001.

(By Advocate: Mr. N.Anil Kumar, Sr.PCGC)

The Original Application having been heard on 23rd June, 2015, this Tribunal delivered the following order on the same day:

ORDER (ORAL)

By Hon'ble Mr.R.Ramanujam, Administrative Member.

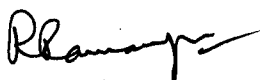
Heard both sides. The applicants are seeking pay protection of their last pay in the military service. This is possible only if they come under Rule 19 (1) (b) of the CCS (Pension) Rules.

2. It is submitted by the learned counsel for the applicants that the applicants would like to exercise an option to come under Rule 19 (1)(b) of the CCS (Pension) Rules. They could not exercise the option earlier as they were not asked by the authorities to exercise such an option. They should not be deprived of the benefits under this rule for failure on the part of the authorities to direct them to exercise such an option.

3. Learned counsel for the respondents submits that the applicants may be directed to submit a representation in this regard and the authorities will consider it.

4. The submissions are recorded. The applicants are allowed to submit a representation within two weeks of this order to exercise an option to come under Rule 19 (1) (b) and the respondents shall consider the matter appropriately within two months thereafter in accordance with law, rules and orders applicable. The fact that the option was not exercised within three months of appointment shall not be held against them.

5. Original Application is disposed of with the aforesaid observations.


(R. Ramanujam)
Administrative Member


(N.K. Balakrishnan)
Judicial Member