

**Central Administrative Tribunal  
Ernakulam Bench**

**OA No.244/2013**

**Tuesday, this the 23<sup>rd</sup> 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)

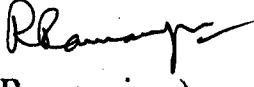
The Original Application having been heard on 23<sup>rd</sup> June, 2015, this Tribunal delivered the following order on the same day:

**O R D E R (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

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