

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.256/2000

Wednesday this the 24th day of January, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

K.G.Divakaran Pillai  
(Retired Yard Master)  
Raichur, South Central Railway,  
Puramana House, Kallur,  
Noolpuzha Post,  
Via.Sulthan Battery,  
Wayanad District, Kerala

2. K.L.Santha W/o late Divakaran Pillai  
residing in Puramana House, Kallur,  
Noolpuzha Post, Via.Suthan Battery,  
Wayanad District,  
Kerala.

3. K.Manoj S/o late K.G.Divakaran Pillai, ..Applicants  
residing -do- -do-

(Applicants 2&3 were impleaded as legal  
representatives of Ist applicant vide order dated  
5.6.2000 in MA No.64/2000).

(By Advocate Mr. M.P.Varkey)

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1. Union of India represented by  
General Manager,  
South Central Railway,  
Secunderabad.500 371.

2. Financial Advisor & Chief  
Accounts Officer,  
South Central Railway,  
Secunderabad.500 371.

3. Senior Divisional Accounts  
Officer, South Central Railway,  
Guntakel, Andhra Pradesh.

4. Senior Divisional Personnel  
Officer, South Central Railway,  
Guntakel,  
Andhra Pradesh.

..Respondents

(By Advocate Mr.Mathews J Nedumpara (rep.)

The application having been heard on 24.1.2001, the  
Tribunal on the same day delivered the following:

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O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

This Original Application was filed by Shri K.G.Divakaran Pillai, retired Yard Master seeking the following reliefs:

- (a) Declare that Annexure.A3 order is arbitrary and opposed to rules; quash the same and; direct the respondents to issue a fresh pension payment order as per law and based on the revised pay and average emoluments of the applicant and to pay consequential arrears, including refund of recoveries made under Annexure.A3.
- (b) Declare that the applicant is entitled to be fitted in scale Rs.5500-9000 from 1.1.96 to 31.7.97 with annual increments on 1.4.96 and 1.4.97 and to be paid retiral benefits and arrears of pay accordingly and direct the respondents so.
- (c) Declare that the applicant is entitled to be advised of the various amounts and retiral benefits paid to him so far/still payable if any; and direct the respondents accordingly.
- (d) Pass such other orders or directions as deemed just fit and necessary in the facts and circusmtances of the case.

2. During the pendency of the application, Shri Divakaran Pillai expired and his wife and son got themselves impleaded as substitute applicants 2&3.

3. Respondents had filed a detailed reply statement.

4. In reply to the rejoinder, respondents have filed another statement enclosing Annexures R4(e) (f) and (g). R4(e) is the revised Pension Payment Order.

contd....

5. The Original Applicants have filed a rejoinder to the additional reply statement. In paragraph 6 of the rejoinder, the applicants have stated as follows:

Considering all the facts and circumstances of the case, it is respectfully prayed that this Hon'ble Tribunal may be pleased to dispose of the OA, directing the respondents to forward the revised Pension Payment Order No.A./PEN/GTL/Rlys/2/12669 dated 3.5.2000 (Annexure.R4(e)) by registered post acknowledgment due to the Pension Disbursing Bank concerned and, copies of all documents on pensionary benefits to the first applicant herein (second applicant in OA) without prejudice to the right of the applicants to separately challenge recovery of Rs.12,275/- from the DCRG of the Original Applicant.

6. The learned counsel for the respondents stated that the respondents have no objection in the Original Application being disposed of with the direction to the respondents to forward the revised P.P.O (Annexure.R.4(e)) to the Pension Disbursing Bank ie., State Bank of Travancore, Sultan Battery Branch by Registered Post acknowledgment due and to send copies of the PPO and the material documents showing the details of payment to the 2nd applicant herein forthwith and reserving liberty to challenge the correctness of the recovery.

7. In the light of what is stated above, the application is disposed of directing the third respondent to forward the Pension Payment Order and other details regarding calculation of retiral benefits to the Manager, State Bank of Travancore, Sultan Battery Branch and to the 2nd applicant (copies) forthwith at any rate not later than three weeks from the date of receipt of a copy of this order.

contd....

8. The applicants shall be at liberty to agitate the question of correctness of the recovery of Rs. 12,275/- from the Death Cum Retirement Gratuity. No order as to costs.

Dated the 24th day of January, 2001

  
A.V. HARIDASAN  
VICE CHAIRMAN

s.

List of annexures referred to:

Annexure.A3:True copy of Revised Pension Payment Order No.A/PEN/GTL/Rlys/2/12669 dated 20.6.98 issued by the 2nd respondent.

Anenxure.R4(e):Copy of Pension Payment order No.A/PeN/GTL/Rlys/2/12669 dated 3.5.2000 issued by FA&CAO/SC South Central Railway, Secunderabad.

Annexure.R4(f):Copy of the consolidated statement dated 15.4.2000 showing the different amounts paid to the applicnat, issued by the Senior Divisional Accounts Officer, South Central Railway, Guntakkal.

Annexure.R4(g):Copy of the Statement showing different settlement dues of Shri K.G.Divakaran Pillai issued by the Senior Divisional Personnel officer, South Central Railway, Guntakkal.

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