

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.27/2002

Friday this the 11th day of January, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

Applicants:

- (1) RAGHAVA WARRIER, Aged 64 years,
S/o. Uzhuthara Warrier,
Headmaster (Retired),
'Souparnika', P.O. Mokkam,
Kozhikode, Kerala.
- (2) K.K. KRISHNAN, Aged 63 years,
S/o. K. Perachan,
Block Development Officer (Retired),
Union Territory of Lakshadweep,
Residing at Little Kurumbetty,
Bengalam P.O., Elathur, Calicut.
- (3) K. NARAYANA KURUP, Aged 61 years,
S/o. Appu Kurup, Maistry (Retired),
Lakshadweep Public Post Department,
'Sreenilayam', P.O. Tuneri,
Via Vadakara, Calicut District.
- (4) A. GOPALAN, Aged 62 years,
S/o. Krishna Kurup,
Line man (Retired),
Electricity Sub Division,
Minicoy Island,
'Geethanjali', P.O. Kurunnalayoda,
Valiappalli, Vadakara,
Calicut District.
- (5) C.H. CHATHU, Aged 63 years,
S/o. C.H. Anandan Nair,
Junior Engineer (Electrical) (Retired),
Electricity Sub Division,
Minicoy Island.
'Vasantha Bhavan', Cheriya Kumbalam,
P.O. Paleri, Via Kuttiyade,
Vadakara.
- (6) K. Vijayan, Aged 63 years,
S/o. T. Kumaran,
Assistant Director of Fisheries (Retired),
Union Territory of Lakshadweep.

'Butterfly', 12/358,
P.O. Arakkinaav,
Calicut.

(7) P. CHANDRASEKHARAN, Aged 62 years,
Superintendent (Retired),
Lakshadweep Public Works Department,
P.O. Karuvambram West,
Manchery, Malappuram District.

(8) K.T. RAJAGOPALAN, Aged 61 years,
S/o. Kunhikrishnan Kurup,
Oil Engine Mechanic (Retired),
Agricultural Department,
Union Territory of Lakshadweep.
'Rajashree', P.O. Mannarghat Cottage,
Palaghat.

(9) A.P. UNNIKRISHNAN, Aged 63 years,
S/o. P.C. Vasudevan Namboodiripad,
Assistant, Department of Science,
Technology and Environment (Retired),
Kavarathi. 'Dhanya', P.O. Karuvassery,
Kozhikode.

(10) M. VISWANATHAN, Aged 63 years,
Superintendent (Retired),
Directorate of Education, Kavarathi.
S/o. Kuttappan Nair,
'Rajani Nivas', P.O. Karuvassery,
Janatha Road, Calicut.

(11) T. Savithri, Aged 62 years,
D/o. Appu, Teacher (Retired),
Educational Department,
Union Territory of Lakshadweep,
'Malayil House "Aiswarya",
P.O. Arakkinaar, Calicut.

(12) K.M. SHANKARANKUTTY, Aged 59 years,
Driver (Retired),
Government Hospital, Minicoy Island.
P.O. Kizhayoore, Pattambi,
Palakkad District.

(13) M. GOPALAN NAIR, Aged 63 years,
S/o. Madhavan Nair,
Junior Engineer (Retired),
Public Works Department, Minicoy Island,
'Jayavihar', Perumpullikal,
P.O. Manamnagar, Pandalam.

(14) P.K. ACHUTHAN, Aged 65 years,
S/o. C.P. Krishnan Master,
(Headmaster) (Retired),
Government J.B. School,
Amini Island, 'Sneham',
Karthikappally, Badagara.

(15) P.P. NARAYANAN, Aged 62 years,
S/o. Appu, Lower Division Clerk (Retired),
Lakshadweep Public Works Department,
L E Quarters No.23,
Medical College P.O., Calicut.

(16) THAMPI VARGHESE, Aged 58 years,
S/o. Varghese, Fisheries Instructor (Retired),
Government High School, Androth,
Residing at Timssea/28/215,
Chevarambalam P.O.,
Kozhikode.

(17) P.V. RAMAKRISHNAN, Aged 63 years,
S/o. Ryru Nambiar, Assistant
Registrar (Retired),
Co-operative Society,
Union Territory of Lakshadweep,
Residing at 'Gouri Nivas',
P.O. Kodali, Kannur District.

(18) SADANANDAN M.K., Aged 63 years,
S/o. K.M. Bappu,
Co-operative Inspector,
Union Territory of Lakshadweep,
Residing at 'Giridhar',
Tellicherry P.O., Mozhikkars,
Kannur.

(19) M.N. DAMODHARAN NAMBISAN,
Aged 62 years,
S/o. Neelakandan Nambisan,
Block Development Officer (Retired),
'Soubhagya', H.No.V/675,
P.O. Chemmanthatta,
(Via) Keecheri,
Thrissur District.

(20) A.Hydrus, aged 62 years,
S/o P.Pookker Ali,
Junior Engineer (Retd)
Lakshadweep Public Works Department,
Annikadrath House,
PO. Kochannur,
Thrissur District.

(By Advocate Mr. P.V.Mohanan)

v.

1. Administrator,
Union Territory of Lakshadweep,
Kavarathi.
2. Union of India,
represented by Secretary,
Ministry of Home affairs,
New Delhi.
3. The Accounts Officer (Pay & Accounts)
Principal Pay and Accounts Office,
Union Territory of Lakshadweep. Respondents

(By Advocate Mr. G.Rajendran, SCGSC(R-2)

(By Advocate Mr. S Radhakrishnan R 1-3)

The application having been heard on 11.1.2002, the Tribunal on the same day delivered the following:

O R D E R

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

The grievance of the applicants who are pensioners under the Administrator, Union Territory of Lakshadweep is that while revising their pension in accordance with the revised pay rules/pension rules the special pay element has not been taken into account for computing their pension although on the basis of a judgment of the Tribunal the special pay was treated as part of pay for the purpose of pension prior to the pay revision and in spite of the fact that the Government of India has issued Annexure.A3 order permitting to reckon the special pay for the purpose of computation of pension in regard to special pay optees upto 31.7.97. One of the applicants has made a representation in this regard to the third respondent on 15.7.2001 but without response. It is stated that the other applicants have also made representations.

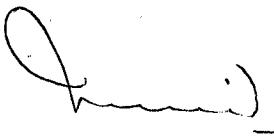
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2. When the application came up for hearing, learned counsel of the applicants states that the applicants would now make a consolidated representation to the first respondent and the first respondent may be directed to consider the same in the light of Annexures A2 and A3 and to give the applicants an appropriate reply within a reasonable period. Shri S.Radhakrishnan, Standing Counsel for the Lakshadweep Administration and Shri C.Rajendran, SCGSC appearing for R.2 have no objection in the application being disposed of with the above direction.

3. In the result, in the light of the submission of the learned counsel on either side, the application is disposed of permitting the applicants to make a joint and consolidated representation to the Ist respondent within one month from today and directing the Ist respondent that if such a representation is received, the same shall be considered in the light of Annexure A2 judgment and A3 order and any other relevant orders and to give the applicants an appropriate reply within a period of two months from the date of receipt of the representation. There is no order as to costs.

Dtd the 11th day of January, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

(s)


A.V. HARIDASAN
VICE-CHAIRMAN

A P P E N D I X

Applicants' Annexures:

1. A-1 : True copy of the Circular No.1/12(26)/69-ANL, dated 20.01.1970, by the 2nd respondent.
2. A-2 : True copy of the order in OA 1274/1991 dated 3.4.92 passed by the Hon'ble Central Administrative Tribunal, Ernakulam.
3. A-3 : True copy of the order No.U-14025 2/97-ANL, dated 25.04.2001 by the 2nd respondent.
4. A-4 : True copy of the representation dated 15.7.2001 by the 2nd applicant to the 3rd respondent.

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