

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 270 of 1995

Monday, this the 1st day of July, 1996

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. C.K. Velayudhan,
Kizhakkottil House
PO Mannur.
2. A.P. Mohammed
Pallikkavil House,
PO Kadampuzha, (Via) Farook College.
3. K.P. Khader,
Parakkal House,
PO Pulliparamba, (Via) Chelambra. .. Applicants

By Advocate Mr. R.K. Venu Nayar

Versus

1. Union of India, represented by
the General Manager,
Southern Railway, Madras.
2. Senior Divisional Personnel Officer,
Southern Railway,
Palakkad. .. Respondents

By Advocate Mr. Thomas Mathew Nellimoottil

The application having been heard on 1st July 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicants seek a direction to respondents, to pay the pension admissible to them. Ancillary reliefs are also sought.

2. First applicant commenced service as a casual labourer on 16.11.1976, attained temporary status on 1.1.1983 and retired from service on 30.9.1994. Second applicant commenced service on 11.1.1962, attained temporary status on 5.1.1983 and retired

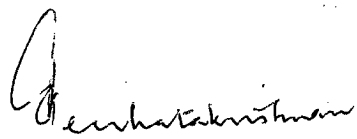
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on 30.6.1994, while third applicant commenced service on 5.12.1961, attained temporary status on 2.2.1984 and retired on 31.7.1994. According to them, they are eligible for pension, and this has been recognised by respondents themselves, as seen from Annexure A-1 series. Annexure A-1 series show that applicants 1 to 3 have been paid commuted value of pension of Rs. 8050/-, Rs. 7013/- and Rs. 7638/-, in that order. If a person is not eligible to receive pension, there can be no commutation of pension. What is commuted is part of pension and if there is no pension, there can be no commutation. The eligibility of applicants for pension, is thus acknowledged by respondent Railways.

3. What is acknowledged must be acted upon. We direct respondents to fix the pension of applicants within four months from today, and make monthly payments of pension less commuted value, as also other pensionary benefits that remain unpaid.

4. Application is allowed. Parties will suffer their costs.

Dated the 1st July, 1996



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN