

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.275/04

Wednesday this the 23rd day of February 2005

C O R A M :

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

N.R.Purushothaman Pillai,
Enforcement Officer (Rtd.),
Anandanjali, Panjami Gardens,
Jagathy, Trivandrum – 14.

Applicant

(By Advocate Mr.C.S.G.Nair)

Versus

1. Union of India represented by the Secretary,
Ministry of Personnel, Public Grievances & Pension,
New Delhi.
2. The Director of Enforcement (FEMA),
Indraprastha Estate, New Delhi.
3. The Deputy Director of Enforcement,
Directorate of Enforcement, South Zone,
Sastri Bhavan, 26, Haddows Road,
Chennai – 600 006.

Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 23rd February 2005 the Tribunal on the same day delivered the following :

ORDER

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

The applicant who retired on superannuation on 30.6.1990 is aggrieved that he has not been given the benefit of counting the DA which was existed on the date of retirement for computation of the DCRG. Alleging that non reckoning of the DA in his case is on the basis of the O.M. Dated 18.2.2003 issued by the 1st respondent the applicant has filed this application challenging Annexure A-4 and Annexure A-5 and for a declaration that he is eligible for the benefit of inclusion of Dearness Allowance existed on the effective date of retirement for the purpose of

computing emoluments for grant of DCRG and for a direction to the respondents to grant the arrears accordingly.

2. The respondents contend that the reckoning of DCRG for the purpose of enhanced DCRG having come to effect only with effect from 1.1.1996 the applicant is not entitled to the relief.

3. I have gone through the pleadings and materials on record and have heard the learned counsel on either side. A Full Bench decision of the Tribunal sitting in Mumbai in O.As 542/97, 942/97 & 943/97 decided on 24.1.2001 after considering all the rules and instructions on the subject elaborately held that persons who retired after 1.7.1993 could be entitled to have the benefit of inclusion of 97% of D.A in emoluments for the purpose of calculating DCRG. Since the applicant in this case has retired from service prior to 1.7.1993 i.e. on 30.6.1990 in terms of the Full Bench ruling the applicant is not entitled to have the D.A treated as emoluments for the purpose of computing DCRG. Therefore, I find that the applicant is not entitled to the reliefs.

4. In the light of what is stated above, the application fails and the same is dismissed leaving the parties to bear the costs.

(Dated the 23rd day of February 2005)



A.V.HARIDASAN
VICE CHAIRMAN

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