

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. ~~XXXXXX~~ 279 of 1990.

DATE OF DECISION 23.4.1991

P.M. Poullose Applicant (s)

M/s K.P. Haridas & S. Raj Kumar Advocate for the Applicant (s)

Versus

Divisional Personnel Officer, Respondent (s)  
Southern Railway and two others

Mrs. Sumati Dandapani Advocate for the Respondent (s)  
Rly. Counsel

CORAM:

The Hon'ble Mr. S.P. MUKERJI - VICE CHAIRMAN

The Hon'ble Mr. A.V. HARIDASAN - JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *N*
3. Whether their Lordships wish to see the fair copy of the Judgement? *N*
4. To be circulated to all Benches of the Tribunal? *N*

JUDGEMENT

(Hon'ble Shri S.P. Mukerji, Vice Chairman)

This application has been filed on 15.3.90 under Section 19 of the Administrative Tribunals Act. We have heard the learned counsel for both the parties. The learned counsel for the applicant drew our attention to the communication from the Divisional Office, Trivandrum dated 1.3.91, a copy of which is at Exbt.A.6. In that communication the Railway authorities have informed the applicant that a decision has been taken to sanction to the applicant superannuation pension and he was directed to remit Rs.8740/- being the service gratuity already paid to him in lieu of pension and to produce the cash receipt in original. The learned counsel for the applicant indicated that the applicant

would be prepared to accept the pension on the basis of this communication but since the applicant is not in a condition to repay the amount of Rs.8740/- in one lumpsum, the same may be adjusted against the arrears of pension due to him. If any amount remains unadjusted the same may be adjusted against the commuted value of pension.

2. The learned counsel for the respondents fairly agreed to this arrangement. On the basis of the above arrangement the learned counsel for the applicant does not wish to press this Original Application. Accordingly the Original Application is closed with the direction to the respondents to sanction superannuation pension to the applicant after granting necessary relaxation if any in the qualifying service and adjust the amount of Rs.8740/- against the arrears of pension so due to him and if any amount remains unadjusted, the same be adjusted against the commuted value of the part of the pension sanctioning for such adjustment.

3. Action on the above lines should be completed within a period of three months from the date of communication of this order. There will be no order as to costs.

  
(A.V. HARIDASAN)  
JUDICIAL MEMBER

  
(S.P. MUKERJI)  
VICE CHAIRMAN

23 April 1991

Ks.