

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.282/06

Wednesday this the 13<sup>th</sup> day of September 2006

**C O R A M :**

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN**

K.U.Ulhanan,  
S/o.late Chacko Ulhanan,  
Slinger (Semi Skilled) (Retired),  
Naval Ship Repair Yard, Kochi.  
Residing at Vellaringathu House,  
South Paravoor, Ernakulam.

...Applicant

(By Advocate Mr.M.R.Hariraj)

**Versus**

1. The Flag Officer Commanding in Chief,  
Southern Naval Command, Kochi – 682 004.
  2. The Defence Pension Disbursing Officer,  
Office of the DPDO, Perumanoor P.O., Ernakulam – 15.
  3. Union of India represented by Secretary  
to the Government of India,  
Ministry of Defence, New Delhi.
- ...Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC)

This application having been heard on 13<sup>th</sup> September 2006 the Tribunal on the same day delivered the following :-

**ORDER**

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN**

The applicant had approached this Tribunal challenging Annexure A-3 order incorporating the statement that a sum of Rs.75103/- has to be recovered from the applicant's pension if the directions of the Hon'ble High Court in OP No.30585/99 are to be implemented. An interim stay of the proposed recovery was ordered on 28.4.2006 and is still continuing. When the matter came up earlier for hearing it was submitted that the contempt petition has been filed in the Hon'ble High Court against the non implementation of the order of the Hon'ble High Court and that it was still pending.

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2. When the matter came up today, counsel for the applicant submitted that an I.A. has been filed seeking clarification of the judgment of the Hon'ble High Court as to the period for which the arrears of the pension will be payable as the applicant had compulsorily retired from service and superannuated in the meanwhile and therefore had not been reinstated. It is submitted by the counsel for the respondents that they are not aware of the filing of the application and as far as the contempt petition is concerned it is dismissed and the present position is that the action taken by the respondents is in accordance with the judgment of the Hon'ble High Court and if any clarification is obtained in future it would have to be re-agitated.

3. I agree with this view as the cause of action in this application has arisen out of the judgment of the Hon'ble High Court in the above mentioned O.P and as the judgment itself is now taken up for further clarification, there is no point in keeping this O.A pending. Therefore, the O.A is dismissed with liberty to the applicant to agitate any grievance that may arise on the disposal of the I.A. However, in order to avoid hardship to the applicant, the respondents are directed not to take any action for recovery of any amount from the pension of the applicant till the disposal of the I.A. No order as to costs.

(Dated the 13<sup>th</sup> day of September 2006)

  
**SATHI NAIR**  
**VICE CHAIRMAN**