

FINAL ORDER
20-07-1988

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

ORIGINAL APPLICATION NO. 289/87

V. Ramakrishnan,
'Shanthi'
Near Holiday House,
Durbar Hall Road,
Ernakulam,
Cochin-682016.

.. Applicant

Versus

The Union of India
represented by the Secretary,
Ministry of Shipping & Transport,
Government of India,
New Delhi.

.. Respondents

M/s Govinda Bharathan, Lekha
Suresh and P. Chandrasekharan

.. Counsel for
applicant

K.P. Thangakoya Thangal,
ACGSC

.. Counsel for
respondents

CORAM

Hon'ble Shri G. Sreedharan Nair,
Judicial Member

&

Hon'ble Smt. J. Anjani Dayanand,
Administrative Member

(Order pronounced by Hon'ble Shri G. Sreedharan Nair,
Judicial Member)

ORDER

The relief that is claimed in this application
by a Peon who was working under the respondents is
for grant of enhanced pension and gratuity conse-
quent upon the grant of special pay @ 20% of the

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basic pay during the period when he performed the duties of Tape-holder. The prayer is resisted by the respondents on the ground that before retirement the applicant was reverted to his post of Peon and that during the last 10 months of his ^{only} service he was holding the post of Peon.

2. Counsel of the applicant placed reliance upon the judgment of the High Court in Writ Appeal No.537/81 (Exbt.P.1) wherein the applicant was allowed the monitory benefit which he is entitled to have, having discharged the duties of Tape-holder. It was submitted that in view of the judgment the respondents are bound to give the enhanced pension taking into account the personal pay of 20% as well. We have gone through the judgment relied upon. It is not capable of the interpretation which counsel wants us to make. The judgment ~~is~~ ^{is} only directed that computation of monitory and consequential benefits which the applicant is entitled to have having discharged the duties of Tape-holders shall be done. Admittedly the applicant

has been paid the Special pay during the period he held the post of Tape-holder. The consideration to have any qualifying pension is entirely different. It is only on the basis of the average emolument drawn by a government servant during the last ten months of his service that the pension is fixed. (Vide Rule 34 of the Central Civil Services Pension Rules). Since during the relevant period the applicant was not discharging the duties of Tape-holder and was not eligible for special pay he cannot claim the pensionary benefits taking the special pay that he had earlier.

3. We dismiss the application.


(Smt. J. Anjani Dayanand)
Administrative Member
21-07-1988


(G. Sreedharan Nair)
Judicial Member
21-07-1988

Index: Yes/No

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