

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 312 of 1997.

Wednesday this the 23rd day of April 1997.

CORAM:

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

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

T.N. Gopalakrishnan Nair,
Retired Language Teacher,
Hindi Senior Basic School,
Kalpeni, residing at Ambuja Nivas,
Calicut.

.. Applicant

(By Advocate Mr. MR Rajendran Nair)

Vs.

1. Accounts Officer,
Central pension Accounting Office,
Ministry of Finance, Government of
India, Trikot-II Complex
(Behind Hotel Hyatt Regency)
Bhikaji Cama Place, New Delhi-66.

2. Senior Accounts Officer,
Office of the Accountant General
(Accounts and Entitlement),
Kerala, Thiruvananthapuram.

3. Accounts Officer, Union
Territory of Lakshadweep,
Kavaratti.

4. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.

.. Respondents

(By Advocate Shri S. Radhakrishnan, (for R.1,3 and 4)

By Advocate Shri C.A. Joy, G.P. (for R.2)

The application having been heard on 23rd April, 1997,
the Tribunal on the same day delivered the following)

O R D E R

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

The applicant, a Language Teacher, Hindi Senior
Basic School, Kalpeni retired on superannuation on
1.2.96. His pension was calculated reckoning the Island
Special Pay also in terms of the judgement in O.A. 1545/94.

....2/-




The Tribunal had, in deciding O.A. 1545/94 relied on the decision in O.A. 580/93. On retirement the pension of the applicant was settled taking into account the Island Special Pay also. Respondents had filed a Special Leave Petition before the Hon'ble Supreme Court against the order of O.A. 1545/94 but the SLP was dismissed. Despite the dismissal of the SLP the respondents issued A4 and A5 orders revising the pension to the detriment of the applicant and fixing it ignoring the Island Special Pay. It was under these circumstances that the applicant has filed this application seeking to quash A4 and A5 and for a declaration that Island Special Pay drawn by him was liable to be reckoned for purposes of pensionary benefits and for a direction to respondents to do so.

2. The respondents have filed a reply statement in which they conceded that the Island Special Pay is to be reckoned for the purposes of computation of pension and that the impugned orders have since been recalled.

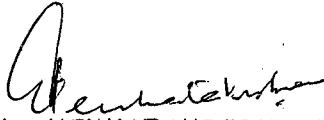
3. Since the impugned order cannot stand in view of the dismissal of the SLP and in view of the submissions made by the respondents that necessary orders have been issued recalling the orders at Annexures A4 and A5 we dispose of the application setting aside the orders at

....3/-



A4 and A5 and with a direction to respondents to
continue to pay to the applicant pension as initially
fixed in the PPO A2. There is no order as to costs.

Dated the 23rd April, 1997.



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A2: True copy of the Authorisation No. 708999600178/158935 dated 22.4.1996 along with Pension Payment Order dated 2.4.96 issued by the 2nd respondent.
2. Annexure A4: True copy of the Revised Authorisation No. 708999600178/86809/A1 dated 31.01.1997 issued by 1st respondent to the Manager, Syndicate Bank, Kozhikode.
3. Annexure A5: True copy of the Revised Pension Payment Order No. PA.8/Spl.Seal/Revn./UTL./50/1063 dated 13.1.97 issued by the 2nd respondent.

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