

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. 315/97

WEDNESDAY, THIS THE 11TH JUNE, 1997.

C O R A M:

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

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

P. Sukumaran  
Retired Assistant Station Master,  
Southern Railway, Nagercoil Junction  
residing at 'Prathibha'  
Kongal,  
Paruvur P.O.  
Quilon District.

..Applicant

By Advocate Mr. K.M. Anthru

Vs.

1. Union of India represented by the General Manager, Southern Railway, Madras-3.
2. The Chief Personnel Officer, Southern Railway, Madras-3.
3. The Divisional Personnel Officer Southern Railway, Trivandrum-14.
4. The Divisional Accounts Officer, Southern Railway, Trivandrum-14.

..Respondents

By Advocate Mr. Mathews J. Nedumpara

The application having been heard on 11.6.97, the Tribunal on the same day delivered the following

O R D E R

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

The applicant who retired on superannuation on 31.3.87 while working as an Assistant Station Master, is aggrieved that his pension has been wrongly fixed at Rs. 953/- while it should have been fixed at Rs. 956/- if the average emoluments of ten months have been correctly taken. Pointing out this defect in the Pension Payment order, the applicant is stated to have made a representation to the Divisional Personnel Officer on 18.3.96. Finding no response to

this, the applicant made a representation to the Chief Personnel Officer, Southern Railway, Madras on 27.6.96 (Annexure A3). Finding no response to this also, the applicant caused a Lawyer's notice issued to the Chief Personnel Officer on 19.9.96. Since there was no response to the Lawyer's notice, the applicant has filed this application for a direction to calculate and pay to the applicant the monthly pension at Rs. 956/- on the basis of ten months average monthly salary drawn by the applicant with reference to his total qualifying service of 33 years with consequential benefits. The applicant has also prayed for award of costs to the application.

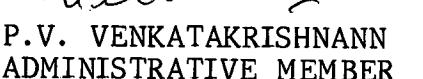
2. In the reply statement, the respondents ~~have conceded that~~ the applicant's pension should have been fixed at Rs. 956/- and that it was fixed at Rs. 953/- due to a mistake.
3. In the light of the statement made by the respondents in their reply, there is no controversy in this case to be settled. What remains is to direct the respondents to issue a revised Pension Payment Order.
4. The applicant had pointed out the mistake by his representation dated 18.3.96. But the DPO did not pay attention to this representation. The contention raised in the reply statement that this representation was not received cannot be accepted because the applicant has made available for our perusal the acknowledgment card signed by the DPO. Even assuming that the representation was not received by the DPO, the receipt of representation submitted to the Chief Personnel Officer, as also the lawyer's notice are not disputed. Despite this ~~no~~ representation and lawyer notice, the claim of the applicant was not considered. Under these circumstances, we are of the considered view that the respondents are liable to pay the applicant the costs of the application. Had the authorities taken care to look into the grievances of the retired employee, the pensioner would not have been driven to the unpleasant task of filing this application.

.3..

5. In the light of what is stated above, we direct the respondents to issue a revised Pension Payment Order in respect of the applicant and also to pay the arrears within a period of one month from the date of receipt of this order. We also direct that the respondents shall pay to the applicant a sum of Rs. 500/- as costs.

6. The application is allowed as above.

Dated the 11th June, 1997.



P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

kmn

LIST OF ANNEXURE

1. Annexure A3: A true copy of the representation dated 27.6.96 submitted by the applicant to the second respondent, alongwith its covering letter.

.....