

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No. 330/06

Tuesday this the 23rd day of May, 2006.

CORAM :

HON'BLE Mr.N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

P.V.Appolini
Retired Processing Worker
Integrated Fisheries Project, Kochi
Residing at : C/o Bhawani Narayanan
People Road, Thaikootam
Ernakulam : Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by its
Secretary to Government of India
Ministry of Agriculture
Department of Animal Husbandry & Dairying
New Delhi
2. Director
Integrated Fisheries Project
(Ministry of Agriculture)
Kochi - 16 : Respondents

(By Advocate Mr. TPM Ibrahim Khan, SCGSC)

The application having been heard on 23.05.2006, the
Tribunal on the same day delivered the following :

ORDER

HON'BLE MR.N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

The case here is pertaining to the grant of pension to the applicant who had retired as Processing worker under the Integrated Fisheries Project under the Ministry of Agriculture. She had joined service on 07.01.1969 as casual processing worker and was regularly absorbed on 15.07.1989 and superannuated on 31.03.1993. There



was a contest about the length of qualifying service for terminal benefits and the Labour Court vide Annexure A-2 document accepted that qualifying service of 12 years, 9 months and 6 days, rounded off to 13 years. Vide Annexure A-3 order passed by the Hon'ble High Court of Kerala, it was ordered to implement Ext.P.3 order which is Annexure A-2 order in this application. In fact payment of pension from 01.04.1993 to 31.08.1995 at Rs.22,826/- was also ^{made} paid to her with interest vide Annexure A-5 order. The question remains is about the grant of pension for the period from 01.09.1995 onwards. According to the applicant, respondents were bound to pass appropriate PPO sanctioning pension to the applicant on a monthly basis from 01.09.1995 onwards. @ [that

2. By way of reply, the respondents had produced Annexure R-1 to R-4 documents. Vide Annexure R-3 document, it was mentioned by the Pay and Accounts Office that the question whether the applicant is eligible for further pension for a period after 31.08.1995 is to be decided by the Head of Department duly, that service gratuity and pension could not be granted simultaneously and hence that if it was decided to grant pension, the service gratuity already paid to her should be remitted back to Government. Annexure R-4 is a document in which the Accounts Officer had directed the applicant to remit back all the service gratuity and retirement gratuity to process the matter further. In the reply statement, it has been admitted by the respondents that, in view of the claim petition of the applicant being allowed by the Labour Court / Hon'ble High Court about the qualifying service of more than 10 years, she would be eligible for pension for the

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remaining period after 31.08.1995. The respondents were in correspondence for obtaining clarifications. A mere reading of Annexure R-4 will reveal that the demand for remitting back the amount could have been made only if a decision had already been taken to grant her pension. It would be illogical to conclude that on one hand she was asked to remit the service gratuity and retirement gratuity back and the respondents kept the question of eligibility of pension open-ended.

3. During the hearing stage, information was required from the respondents on the factual situation as to who was the pension granting authority for the applicant and whether a decision was indeed taken about granting her pension which might have lead to issue of Annexure R-4. Despite opportunities being given during the last couple of months, no information is forthcoming.

4. The applicant has asked for the following reliefs:-

- (a) Declare that the applicant is entitled to be granted monthly pension for the period from 1.9.1995 and direct the respondents to grant her the same with all consequential benefits like medical allowance etc., including arrears of pension and all other allowances appurtenant thereto, within a time limit as may be found just and proper by this Hon'ble Tribunal.
- (b) Direct the respondents to pay interest at the rate of 12 % per annum on the arrears of pension and other benefits due to her from the date the same fell due month after 1.9.1995 till the same is paid to her.

5. In sum, it is found that R - 4 would indicate that the authorities concerned had already taken a decision to grant her pension, despite adequate opportunities being given no contradictory



statements were given by the respondents and, in any case, the contents of the reply statement also admits the claim of the applicant.

6. In view of the facts mentioned above, it is declared that the applicant is entitled to the grant of monthly pension for the period from 01.19.1995 and the respondents are directed to grant her the same duly alongwith other terminal benefits according to rules within a period of three months from the date of receipt of a copy of this order and any delay in passing such an order after the said period of three months would entail payment of interest to the applicant at the rate of 12 % from the date following the day of completion of the three months till the date of settlement.

7. The Original Application is disposed of as above. No order as to costs.

Dated, the 23rd May, 2006.



N.RAMAKRISHNAN
ADMINISTRATIVE MEMBER

vs