

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 340 1991
T. A. No.

DATE OF DECISION 19.2.92

Robert D' Netto Applicant (s)

Mr. Sasidharan Chempazhanthiyil Advocate for the Applicant (s)

Versus

Accounts Officer, Respondent (s)
Telecommunication Accounts, Trivandrum and others

Mr. C. Kochunni Nair, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. To be circulated to all Benches of the Tribunal? ✓

JUDGEMENT

MR. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicant is a Telephone Operator, Quilon who has been compulsorily retired w.e.f. 12.1.1988. His grievance is in respect of the pension sanctioned to him by the Annexure-I dated 4.5.90 based on the total qualifying service of 17½ years. The applicant contends that in the circumstances, pension ought to have been based on qualifying services of 23 years. He has therefore prayed for the following reliefs:

"i) to call for the records and quash Annexure-I as void to the extent it is not based on the actual qualifying service of the applicant.

ii) to declare that the applicant has more years of qualifying service than 17 years and 6 months as arrived at by the second respondent.

- iii) to declare that the leave sanctioning authority has no power to convert the period of Medical leave applied for by the applicant into any period of non qualifying service in the absence of any lawful ground.
- iv) to direct the respondent to recalculate the qualifying service on the basis of the pension and leave rules and allow the applicant all the consequential benefits including arrears of pension."

2. When the case came up for final hearing today, the learned counsel for the respondents submitted that the records of the case on the basis of which a detailed reply to the O.A. ^{Q. to be} was prepared are with the Government of India at New Delhi in connection with the representation made by the applicant against his compulsory retirement. The learned counsel pointed out that the applicant has made a representation at Annexure-2 dated 1.8.90 seeking revision of his pension. He felt that, perhaps, it will be possible to dispose of this representation if suitable direction is given to the respondents.

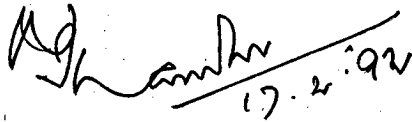
3. We have heard the parties. The learned counsel, ^Q *for the applicant* also feels that respondent No. 1 should be directed to consider the representation and pass necessary orders.

4. We have seen Annexure-II representation. It ^Q does not contain the details which have been urged before us. Considering the submission made by the learned counsel for the applicant and in the circumstances of the case, we dispose of this application with a direction to the applicant to submit, within two weeks from the date of receipt of a copy of this judgment, a detailed representation citing the ground on which he claims that 23 years

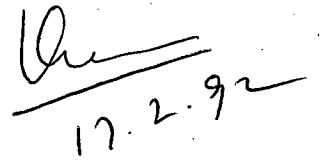
service is to be taken into account for grant of pension.

If such a representation is received, the first respondent shall dispose of it within two months from the date of its receipt.

5. The application is disposed of as above. There will be no order as to costs.


17.2.92

(N. DHARMADAN)
JUDICIAL MEMBER


17.2.92

(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER

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