

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**ORIGINAL APPLICATION NO,37 OF 2008.
DATED THE 10TH DAY OF FEBRUARY, 2009**

CORAM:

HON'BLE SHRI GEORGE PARACKEN, JUDICIAL MEMBER

K.P.Viswanathan Nair
Viswavihar, Kuttamperoor,
Mannar, Alleppey.

... Applicant

By Advocate M/s.M.C.Gopi & S.Sujin

V/s

- 1 The Garrison Engineer,
Kattari Bagh, Naval Base,
Kochi-682 005
- 2 The Officer-in-charge,
J C D A(FUNDS), Meerut.
- 3 Union of India represented by
Secretary
Ministry of Defence, New Delhi. ... Respondents

By Advocate Mr TPM Ibrahim Khan SCGSC

This application having been heard on 10.02.2009 the Tribunal on the same day delivered the following

(ORDER)

HON'BLE MR GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has filed this OA seeking following reliefs:-

- "a) to direct the respondents to repay the amount recovered from the applicant's pay arrears and the amount actually due to him vide order of this Hon'ble Tribunal in O.A No.2293 of 1993 alongwith interest;
- b) Award the cost of this proceeding to the applicant and;
- c) grant such other and further reliefs as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."



2 The counsels for the parties appearing in the case has submitted that the order of this Tribunal in OA 2293 of 1993 referred to in the aforesaid prayer clause has been challenged in the Apex Court and it was quashed and set aside vide R-3 judgment of the Apex Court in C No.3543/46 and connected cases. Accordingly, the amount of Rs.13,656/- recovered from the arrears of dearness relief which was deposited in the GPF has not been refunded to him.

3 The applicant however filed alongwith the rejoinder, Annexure A-6 letter dated 16.3.1998 issued by the Defence Pension, Disbursing Officer, Kottayam stating that amount of Rs.13,656/- has been recovered from the applicant's Vth Pay Commission arrears ⁹ ~~also~~. According to counsel for applicant, Shri Gopi this amount is in addition to Rs.13,656/- already recovered as arrears on account of dearness relief and deposited in the GPF account. Since the aforesaid contention of the applicant is not a part of the OA and it is not included in the prayer clause, the respondents have not made any submissions on this point.

4 In view of the above position this OA is disposed of as infructuous but with a liberty to the applicant to make a suitable representation regarding the Annexure A-6 letter dated 16.3.1998. The Respondents shall consider the same when received and take a decision in the matter and convey the same to the applicant. This OA is accordingly disposed of. There shall be no orders as to costs.


(GEORGE PARACKEN)
JUDICIAL MEMBER

abp