

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 374 of 1996

Friday, this the 13th day of June, 1997

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. A.M. Indira,
W/o (Late) K.R. Ramachandran,
House No. 18, Vasantham,
Sri Narayana Housing Colony, Chala,
Thottada PO, Kannur District. .. Applicant

By Advocate Mr. MR Rajendran Nair

Versus

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

2. Union of India represented by
Secretary to Government,
Ministry of Home Affairs, New Delhi. .. Respondents

By Advocate Mr. PR Ramachandra Menon, ACGSC

The application having been heard on 13-6-1997, the Tribunal on the same day delivered the following:

O R D E R

The applicant seeks for a declaration that her husband, late K.R. Ramachandran, was entitled to be paid Island Special Pay and compensatory allowance at the rate of 80% of his basic pay subject to a maximum of Rs.500/- and compensatory allowance at the rate of 10% of the basic pay subject to a maximum of Rs.150/- per month for the period he worked in the Island and also for a direction to the respondents to draw and disburse the arrears of Island Special Pay and compensatory allowance due to the applicant's husband for the period from 7-4-1970 to 17-6-1988 and to fix the family pension due to her reckoning the Island Special Pay drawn by her late husband as part of his pay for the purpose of fixing family pension.

contd...2.

2. The applicant's husband K.R. Ramachandran was working as Physical Education Teacher under the Administration of Union Territory of Lakshdawee. On 17-6-1988 while in service he expired. He was drawing island special pay till 25-4-1970 and special allowance thereafter till his death. The applicant is granted family pension. But in fixing the same the special pay drawn by her deceased husband is not reckoned as part of his pay.

3. According to the respondents, the applicant's husband failed to exercise any option with regard to the stipulated period and, therefore, he was deemed to have switched over to special allowance with effect from 25-4-1970.

4. Learned counsel appearing for the applicant submitted that the applicant's husband was entitled to draw special pay just like the applicants in OA No. 580/93 and ^{in the light of} ~~as per~~ the order in OA No. 580/93 the applicant is entitled to the reliefs claimed for. It is also submitted that against the order in OA No. 580/93 and connected O.A. as the respondents preferred Special Leave Petitions before the Apex Court and those SLPs have been dismissed by the Apex Court.

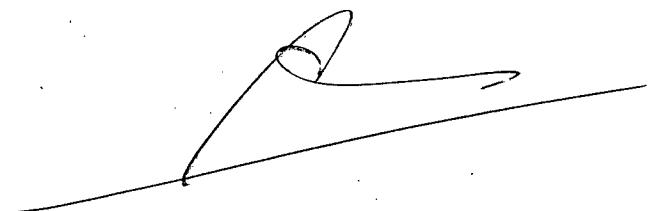
5. When the O.A. came up for hearing, both sides submitted that in identical matters, in the light of the dismissal of the SLPs, respondents have issued orders following the dictum laid down in OA No. 580/93 and there is no reason to take a different view in this matter. Learned counsel for the applicant submitted that the applicant may be permitted to submit a detailed representation to the 1st respondent, stating the latest position and the developments that have taken place after refusal by the respondents to reckon the

special pay for the purpose of fixing the family pension and also payment of arrears of special pay due to her deceased husband. Learned counsel appearing for the respondents has no objection for granting permission to the applicant to submit a detailed representation.

6. Accordingly, the applicant is permitted to submit a detailed representation to the 1st respondent, stating the latest position and the developments that have taken place after refusal by the respondents to reckon the special pay for the purpose of fixing the family pension and also for payment of arrears of special pay due to her deceased husband, within a period of one month from today. If such a representation is received, the first respondent shall consider the same and dispose of by a speaking order within a period of four months from the date of receipt of the representation.

7. Original Application is disposed of as above. No costs.

Dated the 13th of June, 1997



A.M. SIVADAS
JUDICIAL MEMBER

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