

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No. 389/98

Tuesday this the 24th day of March, 1998

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

K.P.Ramachandran,  
Retd.Postman,  
Thuyyam, Edappal,  
Ponnani Taluk.

...Applicant

(By Advocate Mr. T.A.Rajan)

Vs.

1. The Chief Postmaster General,  
Thiruvananthapuram.

2. The Postmaster General,  
Northern Region,  
Kozhikode.

3. Superintendent of Post Offices,  
Tirur Division, Tirur.

....Respondents

(By Advocate Mr. A.C.Devy rep.Mr. M.J. Nedumpara)

The application having been heard on 24.3.98, 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 was working as a Postman was permitted to retire voluntarily on completion of 37 years of service on his request with effect from 1.1.96 <sup>forenoon</sup> by order dated 27.12.95 (A.1). He handed over charge on the forenoon of 1.1.96 as evidenced by A.2. His Pension Payment Order shows the date on which the pension was authorised as 1.1.96 and also indicates the date of ending of service as 1.1.96. The grievance of the applicant is that he was not given the fixation of pay in implementation of the report of the Fifth Central Pay Commision. His contention is that as he has retired voluntarily only on 1.1.96 he was very much in service on that date and

therefore his pay should have been refixed with reference to the orders of the Government in implementation of the report of the Fifth Central Pay Commission.

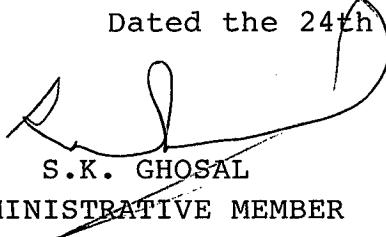
2. Finding that his pay was not so fixed, he made a representation claiming the benefit of fixation of pay in the revised scale. By order dated 2.2.98 (A5) his request was turned down on the ground that as he stood retired from service with effect from 1.1.96 <sup>forenoon</sup> and sanctioned pension with effect from that date he was not entitled to the benefit of pay fixation under the CCS (RP) Rules 1997. It is aggrieved by that the applicant has filed this application for a declaration that the order A5 is illegal inasmuch as it denies the applicant the fixation of pay under the C.C.S (RP) Rules and for a declaration that he is entitled to the benefit of the fixation of pay in accordance with the decision of the Government accepting the report of the Fifth Central Pay Commission.

3. On a careful reading of the application and the annexures and on hearing the learned counsel for applicant, we do not find any legitimate grievance of the applicant which needs redressal by this Tribunal. Pension is to be paid to a retired employee. In this case as seen from A.3, a copy of the Pension Payment Order of the applicant, he was to be paid pension with effect from 1.1.96. It is obvious therefore that there was no entitlement of salary as on that date. An ~~official~~ is not entitled to salary as also pension on the very same date unless the retirement has taken effect on the afternoon of the date in question. From A.1, A.2 and the averment in the application itself, it is absolutely clear that the retirement of the applicant

and handing over charge took place in the forenoon of 1.1.96 meaning thereby that even on the forenoon the applicant was not in service. Under these circumstances the impugned order A5 which makes it clear that as the applicant stood retired on the forenoon of 1.1.96 and was authorised to receive pension on that date is not entitled to the fixation of pay under the C.C.S (R.P) Rules, 1997 is in order and does not call for any interference.

4. In the light of what is stated above, we do not find anything in this application which requires further deliberation. Hence, we reject this application under section 19(3) of the Administrative Tribunals Act. No order as to costs.

Dated the 24th day of March, 1998.



S.K. GHOSAL  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

| ks |

LIST OF ANNEXURES

1. Annexure A1: Order No.82/KP Ramachandran dated 27.12.95 of the 3rd respondent.
2. Annexure A2: Charge report dated 27.12.95 of the postal Department.
3. Annexure A3: Photostat copy of the pension payment Order No.6845/LAS/Tvm. issued to the applicant.
4. Annexure A5: Order No.A & P/PEN-ADLT/92/KW dated at Ct-11 the 2.2.98.

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