

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 398 of 2005

Tuesday, this the 7th day of June, 2005

CORAM

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR. N. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. P.V. Poullose, S/o Varkey,
[Retired Drawing Teacher, Government High School,
Agatti, Union Territory of Lakshadweep],
Residing at Pullakudiyil House,
Kombanad (PO), (Via) Perumbavoor,
Ernakulam District. Applicant

[By Advocate Shri P.V. Mohanan]

Versus

1. The Administrator,
Union Territory of Lakshadweep, Kavaratti.
2. The Principal Pay and Accounts Officer,
Office of the Principal Pay and Accounts Office,
Union Territory of Lakshadweep.
3. The Manager,
State Bank of Travancore, Perumbavoor. Respondents

[By Advocate Shri Shafik MA]

The application having been heard on 7-6-2005, the
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

The applicant retired on superannuation on 31-1-1996 after rendering 32 years of qualifying service. He was a mainlander employee opted for Island Special

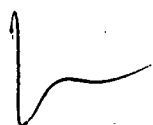


Pay. All through his career the Island Special Pay granted to him was treated as basic pay for all purposes and the terminal benefits were also granted to him with effect from 1-2-1996 by taking note of the Island Special Pay as part of basic pay and emoluments. While revising the pay of the applicant under the Revised Pay Rules, the Island Special Pay granted, according to him, was not reckoned as basic pay. Therefore, a reduced pension is granted to the applicant. It is averred in the Original Application that similarly placed personnel were ordered to be granted the benefit in terms of the order passed by this Tribunal in OA No.618/2002. The applicant claimed that he is entitled to get identical relief.

2. Shri P.V. Mohanan, learned counsel appeared for the applicant and Shri Shafik M.A., learned counsel appeared for the respondents.

3. When the matter came up for hearing, learned counsel for the applicant submitted that Annexure A3 representation dated 20-12-2004 submitted by the applicant is pending before the 1st respondent and the applicant will be satisfied if a direction is given to the 1st respondent to consider and dispose of the same in tune with the order of this Tribunal in OA.No.618/2002. Learned counsel for the respondents submitted that since the applicant has retired in 1996, the question of limitation also arises in this case.

4. In the interest of justice, we are of the view that disposal of Annexure A3 representation by the 1st respondent will suffice to grant the benefit to the applicant, if he is a deserving person. The contention of the respondents' counsel that it is barred by limitation will not stand hold good in view of the decision of the Hon'ble Supreme Court in M.R. Gupta vs. Union of India and Others [(1995) 5 SCC 628],

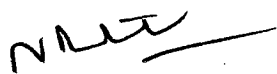


since the pensionary benefits that the applicant is drawing is a continuing cause of action. Therefore, that contention cannot stand hold good.

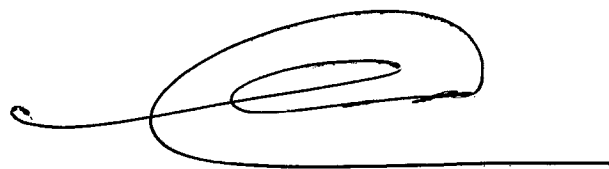
5. Therefore, in the conspectus of facts and circumstances of the case, we are of the view that the 1st respondent shall consider and dispose of Annexure A3 representation dated 20-12-2004 in tune with the orders passed by this Tribunal in OA.No.1274/1991, OA.No.618/2002, etc. Accordingly, the 1st respondent is directed to consider and dispose of Annexure A3 representation by a speaking order within a time frame of four months from the date of receipt of a copy of this order.

6. The Original Application is disposed of as above at the admission stage itself. In the circumstances, there is no order as to costs.

Tuesday, this the 7th day of June, 2005



N. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



K.V. SACHIDANANDAN
JUDICIAL MEMBER

Ak/NRP