

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 407 of 1996

Tuesday this the 9th day of April, 1996.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

C.X.Joy, Telephone Supervisor
(Operative)
Office of the Sub Divisional Engineer,
Fault Control Co-axial Station,
Ernakulam, Cochin-16. Applicant

(By Advocate Mr. M.Rajagopalan)

Vs.

1. Accounts Officer,
Southern Telecommunication,
Sub-Region, Cochin-16.
2. The Chief General Manager (Maintenance)
Southern Telecom Region,
Madras.1.
3. Union of India represented by
the Secretary, Ministry of Defence,
New Delhi.
4. The Chairman,
Telecom Commission, New Delhi. Respondents

(By Advocate Mr. Saji Varghese for Adl.CGSC)

The application having been heard on 9th April, 1996
the Tribunal on the same day delivered the following:

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks to quash A7 by which respondent
Accounts Officer informed him that his pay will be "less
than the minimum, even if good conduct pay is taken into
account." According to counsel for applicant this view
is untenable and runs contra to the order of the Govern-
ment of India (A5) which states that:

.....2

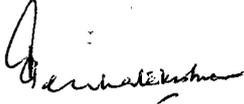
"....pension for purpose of those orders includes pension equivalent of gratuity and other forms of retirement benefits."

The question of fixation of pay on re-employment has therefore to be considered by the competent authority, which according to Central Government Standing counsel is the Chairman, Telecom Commission, New Delhi (4th respondent). Applicant may make a representation setting out his case in detail before 4th respondent and the 4th respondent shall consider the same and pass a speaking order thereon within four months of the date of receipt of the representation. 4th respondent will do well to adhere to the time limit.

2. Standing counsel submits that he will forward a copy of the original application and a copy of this order to 4th respondent for compliance. We record the submission.

3. Original application is disposed of as aforesaid. No costs.

Dated the 9th April, 1996.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

List of Annexures

Annexure A5: True copy of O.M. No.5(14)/Estt-(B)/77
dated 19th July 1978 of Ministry of Finance.

Annexure A7: True copy of the order No.0-1109/90-91/56
dated 20.2.1996 of the 1st respondent.