

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No. 412/2002

Wednesday, this the 9th day of April, 2003

C O R A M

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

P. Prabhakar,
Son of Late K.P. Damodaran Nair,
last employed as Programme Executive
in the Office of the All India Radio,
Thrissur, residing at XIX/192,
"Devikripa", Poothole,
Thrissur - 4.

..Applicant

[By Advocate Mr. Ashok M. Cherian]

v e r s u s

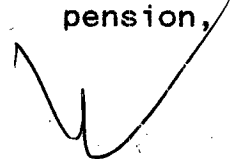
1. The Union of India represented by
the Senior Pay & Accounts Officer,
Central Pension Accounting Office,
Department of Expenditure,
Ministry of Finance,
New Delhi : 110 065
2. The State Bank of India,
Main Branch, Thrissur,
represented by its
Assistant General Manager.

Respondents

[By Advocate Mr. M.R.Suresh, ACGSC, for R-1]

**O R D E R
HON'BLE MR K.V.SACHIDANANDAN, JUDICIAL MEMBER**

Applicant retired on superannuation from the service of All India Radio under the Ministry of Information and Broadcasting on 30.04.1996 and as per the Pension Payment Order, the applicant commuted certain amount. When the Vth Central Pay Commission was implemented, revised Pension Payment Order was issued on 30.11.98 and consequently, the pension of the applicant was revised as Rs. 4151/- with effect from 1.5.96. On commutation of revised pension, the total commuted value of pension as per the formula comes to Rs. 2,08,364/- and since Rs. 63,890/- has already been paid towards commuted amount of pension, the arrears to be paid to the applicant on that account

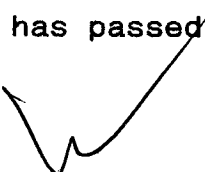


is Rs. 1,44,474/- and accordingly, the first respondent issued the revised Pension Payment Order. However, the Bank credited only Rs. 1,28,186/- towards the differential commutation amount deducting Rs. 16,288/- holding that the commuted value of pension paid to the applicant as per pre-revised scale has to be deducted from the amount mentioned in PPO (Annexure A/3). Aggrieved by the said illegal action, the applicant has filed this OA seeking following reliefs:

- (8.1) Declare that the applicant is entitled to get Rs. 1,44,474/- towards the "Amount of Differential Commutation" as shown in item 5 of Annexure A/3;
- (8.2) Direct the respondents to credit in the account of the applicant the full amount of Rs. 1,44,474/- towards the "Amount of Differential Commutation" as shown in item 5 of Annexure A3;
- (8.3) Call for the records leading to Annexure A/1 and set aside the same;
- (8.4) Declare that the applicant has a right to get basic pension in full without any deduction till the date when differential commuted value is fully credited into the Pensions Account of the applicant in the 2nd respondent Bank;
- (8.5) Direct the respondents to pay the applicant arrears of his basic pension in full without any deduction till the date when differential commuted value is fully credited into his Pensions Account;
- (8.6) Issue any other orders, declaration or direction appropriate in the circumstances of the case."

2. Mr. Ashok M. Cherian, learned counsel, appeared for the applicant and Mr. M.R. Suresh, learned ACGSC, appeared for the respondent No.1. None is appeared on behalf of the second respondent.

3. When the matter came up for hearing, Mr. M.R. Suresh, ACGSC, submitted that Ministry of Finance , Department of Expenditure, Central Pension Accounting Office, New Delhi, has passed an order through its Senior Accounts Officer, No.CPAO/



A-1/2002/Court Case/No.91 dated 26.07.2002, directing the Bank to pay the excess recovered amount of Rs. 16288/- to the pensioner forthwith. A copy of the said order is produced before me and the same has been taken on record. Learned ACGSC submitted that in view of this development in the present case, the OA has become infructuous as the relief as prayed for by the applicant has already been granted.

4. On going through the pleadings and the material placed on record, this Court is of the view that the claim of the applicant has been settled. However, learned counsel for the applicant urged that he has no objection in closing this application provided an opportunity be given to him to file a fresh OA in case any relief is left out to be granted by this order. While recording the above submission made by the learned counsel for the applicant, I dismiss the OA with liberty to the applicant to seek redress by filing a fresh OA in case he finds that his claim has not been fully settled by the aforesaid order.

5. Original Application is dismissed as above with no order as to costs.



(K.V.SACHIDANANDAN)
JUDICIAL MEMBER

cvr.