

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

**ORIGINAL APPLICATION NO. 180/00330/2018**

Monday this the 4<sup>th</sup> day of June, 2018

**CORAM**

**HON'BLE MR. U. SARATHCHANDRAN, JUDICIAL MEMBER**  
**HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER**

Smt.Sarada Prabhakaran, (MES/112440)  
W/o.late M.K.Prabhakaran (Caneman) (Retd.)  
Aged 81 years (PPO No.C/Eng./10555/94)  
Padanilathu House, (P.O.) Nettur, Ernakulam  
Kochi-682 040

... **Applicant**

**[By Advocate Mr.P.K.Madhusoodhanan]**

V.

1. The Commander Works Engineer (NW)  
Military Engineer Services  
Kataribagh, Naval Base (P.O)  
Kochi- 682 004
2. The Chief Engineer  
Head Quarters, Southern Command  
Pune – 411 001
3. The Engineer-in-Chief  
Engineer-in-Chief's Branch  
Kashmir House, DHQ (P.O), Rajaji Marg  
New Delhi- 110 011
4. The Principal Controller of Defence Accounts  
Allahabad, Utterpradesh-211 001
5. Union of India  
represented by its Secretary  
Ministry of Defence, South Block  
New Delhi- 110 011

... **Respondents**

**(By Advocate Mr.K.Kesavankutty,ACGSC – not present)**

This application having been finally heard on 4.6.2018, the Tribunal on the same day delivered the following in the open court.

ORDER (ORAL)**BY HON'BLE MR.U.SARATHCHANDRAN, JUDICIAL MEMBER**

Applicant has approached this Tribunal seeking relief as under:-

- “ (a) Set aside Annexure A8
- (b) Issue necessary directions to the respondents to grant pay fixation in skilled grade to the husband of the applicant in the post of Caneweaver/Caneman during the period his services granting the benefits as granted to Caneman similarly situated in the decision referred to above and as granted and paid to the applicants in Annexures-A5, A6, A7 and like orders, treating all similarly situated alike, without any discrimination and pay all consequential benefits arising therefrom.
- (c) Issue necessary directions to the 4<sup>th</sup> respondent to refix the DCRG and other retiral benefits in respect of M.K.Prabhakaran as if he is in skilled grade in the post of Caneman and refix the family pension of the applicant accordingly and disburse all consequential benefits arising therefrom to her at the earliest, at any rate, within a time limit to be fixed by this Tribunal
- (d) Award costs of these proceedings to the applicant and
- (e) Grant such other and further reliefs as this Tribunal deems fit and proper.”

2. Applicant is a family pensioner aged 80 years and her claim is pertaining to the pay fixation of her deceased husband which would have a positive impact on her family pension.

3. When this matter came up for admission on 9.4.2018, we have noted as follows:-

- “ Heard Mr.Madhusoodanan, learned counsel for the applicant.
- Mr.K.Kesavankutty, ACGSC takes notice on behalf of the respondents.
- Since the applicant is 80 years old lady, list the matter before the Bench for completing the pleadings. Respondents are directed to file their pleadings by the next posting date itself positively.
- Post on 4.6.2018.
- Issue a copy of this order to Mr.Kesavankutty, learned ACGSC

for communicating the same to the respondents. ”

4. There was no response from the respondents. No reply statement also is seen filed. In the circumstance, we allow the Original Application as prayed for. Respondents are directed to implement this order within 45 days from the date of receipt of a copy of this order.

5. The Original Application is disposed of as above. No order as to cost.

**(E.K.BHARAT BHUSHAN)**  
**ADMINISTRATIVE MEMBER**

**(U.SARATHCHANDRAN)**  
**JUDICIAL MEMBER**

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**List of Annexures**

Annexure A-1 - True copy of the letter dated 17.12.1986 by Mr.M.K.Prabhakaran to the 1<sup>st</sup> respondent

Annexure A-2 - True copy of the certificate dated 29.10.1994 issued by the 1<sup>st</sup> respondent

Annexure A-3 - True copy of the representation dated 19.10.2017, submitted by the applicant to the respondents

Annexure A-4 - True copy of the letter dated 31.10.2016 served with applicant addressed to the GE (NW), Kochi

Annexure A-5 - True copy of the judgment of the Hon'ble Delhi High Court on 25 July 2002

Annexure A-6 - True copy of the judgment of the final order in O.A No.4370/2012, of the Hon'ble C.A.T, Delhi Bench

Annexure A-7 - True copy of the order dated 5.12.2016 in O.A No.180/001012/2016 on the file of this Tribunal

Annexure A-8 - True copy of the letter no.14004/GE(NW)/36/SB Cell, dated 20.2.2018 of the 1<sup>st</sup> respondent.

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