CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

Review Application No.180/00038/2018
in
Original Application No. 180/00098/2017

Dated this Wednesday the 11th day of July, 2018

CORAM:

Hon'ble Dr. K.B. Suresh, Judicial Member

1. Union of India, represented by Secretary,
Government of India, Ministry of Shipping,
Department of Lighthouses & Lightships,
New Delhi – 110 001.

2. The Director General,
Directorate General of Light Houses and Light Ships,
New Delhi – 110 001.

3. The Director,
Directorate of Light Houses and Light Ships,
"Deep Bhavan", Gandhi Nagar, Kadavantra P.O.,
Kochi – 20. ..... **Review Applicants**

(By Advocate – Mr. N. Anilkumar, Sr. PCGC)

V e r s u s

1. Santhosh Kumar S.,
Aged 49 years, S/o. P.P. Sreedharan,
(Ex-Assistant Light Keeper) (Senior Scale) Minicoy,
Department of Light Houses & Light Ships, Deep Bhavan,
Gandhi Nagar, Kadavanthra P.O.,
Kochi – 20,
Residing at G.S. Bhavan, Seed Farm Junction, Kadakkal P.O.,
Kollam District – 691 536.

2. The Chief Engineer (HRM),
Vaidyuthi Bhavan, Kerala State Electricity Board,
Pattom, Trivandrum – 4. ..... **Respondents**

This Review Application having been considered by circulation, the Tribunal on 11.07.2018 delivered the following:

O R D E R (by circulation)

Delay condoned as the matter should be disposed of on merits rather than on technicalities. Misc. Application No.180/00772/2018 is allowed.

2. The claim of the Review Applicant is that there is one judgement of the Principal Bench of the Tribunal and this order has not taken into effect one judgement of the Principal Bench. The Union Government has since amended the necessary rules to the effect that the past service of any Govt. Employee whether in Government or in any Public Sector entities will be protected.

3. That being trite law and had been implemented in scores of cases and, therefore, the applicant will be eligibile for pro rata pension as he had already served about 13 years with the concerned respondent. Whether KSEB gets financial assistance from the Central Govt. or not is not a matter to be considered as it is not the nature of service conditions in KSEB which has a relevance for the respondent. The rules relating to the pension of an employee is regulated by the Union Govt. in accordance with its own rule

and, therefore, for the service already rendered, applicant is eligible to get pro rata pension.

4. As stated in the paragraph 10 there is no need for reciprocal arrangment for the Central Govt. for counting of service for pension. The pro rata retirement benefit means pension as well and applicant will only get the pro rata pension which he had rendered with the respondents as held by the Hon'ble Apex Court in so many cases and have now become concluded.

5. Whether the KSEB had appeared and filed the reply is neither here nor there. If the KSEB has not appeared before a Court of Law when the matter relating to it is being adjudicated, without any doubt an order will be passed, but in this case the order is focused only on the respondent who has filed review. The need not cudgel on behalf of the KESB and there is no necessity for the applicant to route the request for pension through KSEB as the applicant is seeking only pension for the period he was with the respondent and KSEB, under the current rules has no relevance in this matter. Therefore, the Review is without any merits. Accordingly, the same is dismissed.

6. No order as to costs.

(Dr.K.B. Suresh)
Judicial Member

sj*

List of Annexures of the Review Applicants

Annexure RA1 - True copy of the final order dated 22.12.2017 in OA No. 98 of 2017.

List of Annexures of the Respondents

Nil.

****