

**Central Administrative Tribunal
Madras Bench**

OA/310/00173/2017

Dated Tuesday the 30th day of January Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

T.Raghavan,
S/o K.T.Chari,
No.15/8, III Main Road,
Indra Nagar, Adyar,
Chennai 600 020.

.. Applicant

By Advocate **M/s.Balan Haridas**

Vs.

1. Union of India,
M/o Personnel, Public Grievances & pensions,
Department of Pension & Pensioner Welfare, rep by its
Secretary, New Delhi 110 001.
2. The Controller general of Accounts,
M/o Finance,
Department of Expenditure,
7th Floor, Lok Nayak Bhavan,
Khan Market, New Delhi 110 003.
3. The Secretary,
Government of India,
Department of Commerce (Supply Division),
Directorate General of Supplies & Disposals,
Parliament, New Delhi 110 001.

.. Respondents

By Advocate **Mr.K.Rajendran**

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. The applicant has filed this OA seeking the following reliefs:-

“to declare the action of the respondents in not restoring 2/3rd pension of the applicant on and from 27.1.1993 in terms of the order passed in W.P.No.22207 of 2002 dated 2.8.2007 which has been confirmed by the Hon'ble Supreme Court in Civil Appeal No.6048 of 2010 dated 1.9.2016 as illegal, arbitrary, contrary to law and

consequently direct the respondents to restore the 2/3rd pension to the applicant from 27.1.1993, pay arrears of pension and continue to pay full pension

pass such other orders or directions as this Hon'ble Tribunal think fit in the circumstances of the case.”

2. Learned counsel for the applicant would submit that the applicant was working in the 3rd respondent department as Assistant Grade IV from 6.7.1954. While so, his services were placed with IDPL, New Delhi and he was thereafter absorbed in IDPL on 20.7.1972. At the time of absorption, the applicant had rendered 18 years and 14 days service with the 3rd respondent department. The applicant was permitted to commute his full pension on 27.1.1978. He retired from the services of IDPL on 30.6.1989.

3. After 15 years from the date of commutation of pension from the 3rd respondent department, 1/3rd pension was restored to him on 27.1.1993. The applicant is allegedly entitled to restoration of the balance 2/3rd pension also with effect from the same date. It is submitted that in terms of the order passed in W.P.No.22207/2002 dated 2.8.2007 of the Hon'ble Madras High Court as confirmed by the Hon'ble Supreme Court in Civil Appeal No.6048/2010 dated 1.9.2016, the applicant is entitled to restoration of full pension. As the applicant is not being paid full pension w.e.f. the said date, he is before this Tribunal seeking the aforesaid relief.

4. Learned counsel for the respondents produces a copy of the order of the Department of Pension & Pensioners Welfare F.No.4/34/2002-P&PW(D).Vol.II dated 23.6.2017 alongwith a Corrigendum dated 21.7.2017 and draws attention to the pending Annexure A4 representation dated 21.10.2016 submitted by the applicant in this regard. It is submitted that the respondents would take a decision and pass necessary orders in terms of the aforesaid OM of Department of Pension & Pensioners Welfare dated 23.6.2017. As such, it is premature for the Tribunal to entertain an OA in this regard, it is argued.

5. In view of the submission, the respondents are directed to deal with the claim of the applicant in terms of the OM dated 23.6.2017 of the Department of Pension & Pensioners Welfare and pass necessary orders within a period of four weeks from the date of receipt of a copy of this order. Any arrears payable in terms of such order shall be paid into the applicant's Bank account within a period of three weeks thereafter.

6. OA is disposed of with the above directions. No costs.

(R.Ramanujam)
Member(A)
30.01.2018

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