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**CENTRAL ADMINISTRATIVE TRIBUNAL,  
ERNAKULAM BENCH**

**Original Application No.180/00856/2017**

Wednesday, this the 3<sup>rd</sup> day of April, 2019

**C O R A M :**

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER**

U.Kuttappan Nair,  
S/o.late K.Govindan Nair,  
Retired Statistical Investigator Grade-II,  
National Sample Survey Organization.  
Residing at Komala Nivas,  
Kottamparamba, Calicut – 673 008.

...Applicant

**(By Advocate – M/s.Varkey & Martin)**

**v e r s u s**

1. Union of India represented by the Secretary, Govt. of India,  
Ministry of Planning and Program Implementation,  
New Delhi – 110 001.
2. The Head of Office,  
NSSO (FOD), Kozhikode – 673 003.
3. The Senior Accounts Officer,  
Pay & Accounts Officer,  
Ministry of Statistics and PI,  
6<sup>th</sup> Floor, CGO Complex, A Wing,  
Seminary Hills, Nagpur.

...Respondents

**(By Advocate Mr.T.C.Krishna, Sr.PCGC)**

This application having been heard on 3<sup>rd</sup> April 2019, the Tribunal on the same delivered the following :

**ORDER (ORAL)**

The controversy in this case is regarding the eligibility of the applicant for higher pension. The applicant submits that the issue had been taken up before the Central Administrative Tribunal, Principal Bench in O.A.No.2553/2014 and the Principal Bench had dismissed the O.A vide

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order dated 15.2.2016. However, on appeal before the Hon'ble High Court of Delhi the same was allowed vide order dated 14.9.2017 in W.P.(C) No.8113/2016. It is stated that the SLP (C) No.16321/2018 filed before the Hon'ble Supreme Court challenging the order dated 14.9.2017 of the Hon'ble High Court of Delhi is pending and is now tentatively listed on 8.4.2019. Since the issue has been seized of by the Hon'ble Supreme Court, we close this O.A directing the respondents that in the event the decision taken by the Hon'ble Supreme Court is in favour of the employees, the benefits as prayed for in the O.A is to be granted as expeditiously as possible. There shall be no order as to costs.

(Dated this the 3<sup>rd</sup> day of April 2019)

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

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**List of Annexures in O.A.No.180/00856/2017**

- 1. Annexure A-1** – True copy of the Office Memorandum F.No.38/37/08-P&PW(A) dated 28.1.2013 issued by the Ministry of Personnel, PG and Pensions.
  - 2. Annexure A-2** – True copy of the representation dated 26.2.2016 submitted by the applicant.
  - 3. Annexure A-3** – True copy of the Letter bearing No.PAO/STAT/NGP/9708 dated 9<sup>th</sup> November, 2016 issued by the 3<sup>rd</sup> respondent.
  - 4. Annexure A-4** – True copy of the Office Memorandum F.No.38/37/08-P&PW(A) dated 11.2.2009 issued by the Ministry of Personnel, PG and Pensions.
  - 5. Annexure A-5** – True copy of the representation dated 13.3.2017 submitted by the applicant.
  - 6. Annexure A-6** – True copy of the Letter bearing No.PAO/STAT/NGP/Admn/16-17/813 dated 2.5.2017 issued by the 3<sup>rd</sup> respondent.
  - 7. Annexure R-1** – True copy of the Department of Pension and Pensioners Welfare's OM No.38/37/08-P&PW(A) dated 1.9.2008.
  - 8. Annexure R-2** – True copy of the Office Memorandum dated 4.1.2019 of Department of Pension & Pensioners Welfare.
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