

.1.

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

**CP(C) 180/00065/18
in
Original Application No.180/00719/2016**

Wednesday, this the 27th day of March, 2019

C O R A M :

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE MR.ASHISH KALIA, JUDICIAL MEMBER**

K.C.Jose, S/o.Chummar, aged 62 years
Poozhikunnel House
Elumbulassery Post, Palakkad District
Kerala – Pin:678 595 ... Applicant

**(by Advocate: Mr.Abraham Vakkanal,Sr.Advocate with
Mr.T.V.Ajayakumar)**

v e r s u s

1. Mrs.Sunitha Vedantham
(Age and father's name not known)
Chief Personal Officer
Southern Railway
Headquarters, Madras – 600 001
2. Mr.Birendrakumar
(Age and Father's name not known)
Chief Security Commissioner
(Now re-designated as Principal CSC)
Southern Railway, RPF Headquarters
Madras – 600 001
3. Mr.Thomas John
(Age and father's name not known)
Assistant Security Commissioner-in-charge of
Divisional Security Commissioner
Railway Protection Force, Palakkad – 678 001
Kerala ... Respondents

**(By Advocate – Mrs.Sumathi Dandapani,Sr with
Mr.P.R.Sreejith,ACGSC)**

.2.

This application having been heard on 27th March 2019, the Tribunal on the same day delivered the following :

ORDER (ORAL)

Per : Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

Heard Mr.T.V.Ajayakumar on behalf of the petitioner and Mrs.Sumathi Dandapani,Senior Advocate on behalf of the respondents. Shri.T.V.Ajayakumar, learned counsel for the petitioner had been directed to file an affidavit. When the matter was taken up, he seeks two weeks further time for filing affidavit and stated that there are no details that how amounts referred to in the order accompanying the compliance affidavit have been arrived at. He pointedly referred to the question as to how the pension as per Annexure R-4 has been estimated.

2. We have perused the order under implementation, the operative part of which reads:

“3. The fact being thus, the applicant will be eligible to count the entire service with the respondents from the date of his entry into Govt. Service till today. Therefore, the matter is remitted back to the respondent to grant him the ACP and MACP benefits on the basis of his total service as we declare and hold that medical decategorisation and subsequent deployment in any other posts will not deprive the applicant of counting his total qualifying service entitling him to the ACP/MACP benefits as well as differentiation in pension and other DCRG benefits. Therefore, all the benefits will be recomputed and disbursed to the applicant within two months without interest and after that at the rate of 15%

4. O.A. is allowed. No costs. ”

.3.

3. Considering the affidavit filed on behalf of respondent nos.1,2 & 3, we are of the view that there is substantial compliance of the order of this Tribunal. In the event that the applicant has further grievances about the details of pension fixation, this may be taken up by filing an alternate Application. CP(C) is closed. Notices shall stand discharged.

**(ASHISH KALIA)
JUDICIAL MEMBER**

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

SV

List of Annexures

Annexure P-1 - True copy of the order dated 10.4.2018 in O.A No.719/2016 of the Central Administrative Tribunal, Ernakulam Bench

Annexure P-2 - True copy of the letter dated 18.4.2018 sent to the respondents by the petitioner's counsel

Annexure P-3 - True copy of the Joint Postal Receipt dated 26.4.2018 of Ext.P-2 letter to the respondents

Annexure P-4 - True copy of the acknowledgement card dated 27.4.2018 received by the petitioner

Annexure R1 - True copy of the office Memorandum No.J/XP/KCJ/OA No.719/2016 dated 10.12.2018

Annexure R1 - True copy of the letter of authority No.P500/PGT/P/18782 dated 18.12.2018 issued to SBI, Olavakkot Branch

Annexure R-3 - True copy of letter received from Branch Manager, State Bank of India, Olavakode dated 28.1.2019

Annexure R-4 - True copy of letter received from Branch Manager, State Bank of India, Olavakode dated 29.1.2019

Annexure R-5 - Letter of Sr.Divisional Finance Manager/Palakkad dated 18.12.2018 to SBI/CPPC/Thiruvananthapuram

Annexure R-6 - Clarification sought by PCSC/Chennai from the 3rd respondent and the Divisional Security Commissioner/Railway Protection Force/Palakkad for erroneously granting ACP to 4500-7000

Annexure R-7 - Letter of DSC/PGT to Sr.DFM/PGT for arranging difference in commutation of pension

Annexure R-8 - Letter of DSC/PGT to Sr.DFM/PGT for arranging payment of interest on pensionary benefits

Annexure R-9 - Pension arrears worksheet from 19-12-2003 to 31-12-2018

Annexure R-10 - Letter of authority for arranging payment of difference in commuted value

Annexure R-11 - Work sheet for calculation of 15% of interest on settlement benefits paid for 8 months from May 2018 to December 2018
