

**CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH**

**DATED THIS THE 20<sup>th</sup> DAY OF MARCH, TWO THOUSAND NINETEEN**

**PRESENT:**

**THE HON'BLE MR.T. JACOB, MEMBER (A)**

**RA.3/2019 in OA.1389/2018**

D. Thiruvateeswaran,  
L-13 A, Sarvamangala Colony,  
Ashok Nagar,  
Chennai 600 083.

...Applicant

(For the applicant: Party in Person).

-versus-

The Union of India rep., by  
The Secretary,  
Department of Telecommunications,  
Ministry of Communications &  
Information Technology,  
New Delhi.

...Respondent

(For the Respondent: Mr. M. Kishore Kumar)



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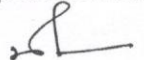
O R D E R in R A

Heard. This RA has been filed by the applicant seeking to review the order passed by this Tribunal in OA.1389/2018 dated 15.10.2018.

2. The applicant has approached this Tribunal by way of OA.1389/2018 seeking a direction to the respondent to set aside the impugned order dated 27.12.2017 issued by Pr.CCA, Tamilnadu and to withdraw the recovery instructions sent to the Bank.

3. I have perused the OA.1389/2018. The applicant has filed this OA without fully exhausting the departmental remedy available to him under law. The applicant having submitted a representation dated 13.3.2018 and reminder dated 16.8.2018 ought to have waited for the reply from the competent authority. This Tribunal after hearing the contention of the applicant that recovery of any amount from his pension is impermissible in law directed the respondents by order dated 15.10.2018 to pass a detailed and reasoned order in accordance with law on his representations dated 13.3.2018 and 16.8.2018 respectively. The applicant without waiting for a detailed and reasoned order from the respondents, filed RA.3/2019 seeking to review the order passed by this Tribunal dated 15.10.2018 stating that he had only sought for disposal of the OA on merits.

4. The order under review is an oral order, having been dictated in the open Court, when the applicant was present. Since the departmental

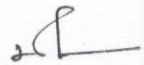




remedy was not exhausted, it was considered that the respondent's decision on the representation would enable the Tribunal to adjudicate the issue, the Tribunal directed the respondents to dispose of the representation of the applicant. And the applicant did not raise any objection when the order was passed on 15.10.2018.

5. The scope for review is only on limited grounds and the order dated 15-10-2018 in no way could have prejudiced the applicant as the applicant could move a fresh OA challenging the order of rejection, if so desired.

6. When the review has been filed, there was no response to the representation. However, in the interest of justice and to afford an opportunity of hearing to the applicant, this Tribunal posted the RA before the Bench and also issued notice to the respondents. Mr. M. Kishore Kumar learned counsel, appeared for the respondents and stated that a speaking order has been passed by the respondents on 27.2.2019 rejecting the request of the applicant in pursuance of DoT's order dated 15.7.2005 whereby his pension was reduced and consequently his basic pension was fixed at Rs.5715/- instead of Rs.5878/- which was in compliance with the order of this Tribunal dated 11.4.2005 in OA.646/2004 which could not be carried out earlier and was given effect from 1.1.2016 while revising his pension as per 7th CPC. For





revision of pension w.e.f. 1.1.2016 as per 7th CPC, LPD and scale of pay are very much required and based on them notional pay fixation due to successive pay commission recommendations are to be worked out. The revised PPO issued to the applicant vide order dated 27.12.2017 showing his revised pension at 37,000/- w.e.f. 1.1.2016 is correct as per speaking order dated 13.7.2005 and hence the respondents sought for dismissal of the OA.

7. Heard the applicant in person and the learned counsel for the respondents. In view of the fact that the respondents have passed a speaking order and a fresh cause of action has arisen, this Tribunal cannot now entertain the RA. The RA is to be dismissed and is accordingly ordered so. However, the applicant is at liberty to approach this Tribunal if he is so aggrieved by the speaking order of the respondents dated 27.2.2019, if so advised.

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