

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN  
&  
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

OP (CAT).No. 200 of 2015 (Z)  
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AGAINST THE ORDER IN OA NO.180/00671/2014 of CENTRAL ADMINISTRATIVE  
TRIBUNAL,ERNAKULAM BENCH DATED 12-06-2015

PETITIONERS/RESPONDENTS:  
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1. DIRECTOR OF ACCOUNTS (POSTAL)  
KERALA CIRCLE, THIRUVANANTHAPURAM - 695 001.
2. CHIEF POSTMASTER GENERAL  
KERALA CIRCLE, THIRUVANANTHAPURAM.
3. UNION OF INDIA  
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF PENSION &  
PENSIONERS' WELFARE, LOK NAYAK BHAVAN  
KHAN MARKET, NEW DELHI - 110 001.

BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

RESPONDENT/APPLICANT:  
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V.UNNIRAJAN  
POSTMAN (RETD), VAZHAKKAT VALAPPIL HOUSE  
THONALLUR, VELLARKAD P.O.  
ERUMAPETTY, THRISSUR - 680 584.

BY SRI.C.S.GOPINATHAN NAIR

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 16-12-2015, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (CAT).No. 200 of 2015 (Z)

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APPENDIX

PETITIONERS' EXHIBITS :

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EXT.P-1: TRUE COPY OF THE O.A.NO.180/00671/2014 FILED BY THE  
RESPONDENT.

EXT.P-2: TRUE COPY OF THE REPLY STATEMENT DATED 27.3.2015 FILED BY  
THE PETITIONERS

EXT.P-3: TRUE COPY OF THE ORDER IN I.A.NO.180/00671/2014 DATED 12.6.2015,  
OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

EXT.P-4: TRUE COPY OF THE OM NO.38/37/08-P&PW(A) DATED 30.7.2015 OF  
DY.SECRETARY TO GOVT. OF INDIA.

RESPONDENT'S EXHIBITS : NIL

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//TRUE COPY//

P.A. TO JUDGE

smv

**K. SURENDRA MOHAN  
&  
SHAJI P. CHALY, JJ.**

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**O.P.(CAT) No.200 of 2015**  
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**Dated this the 16<sup>th</sup> day of December, 2015**

**JUDGMENT**

Surendra Mohan,J.

The Union of India along with the other respondents in Original Application No.180/00671/2014 of the Central Administrative Tribunal (“CAT” for short) are before us challenging Ext.P3 order of the Tribunal.

2. The issue that arises here, stands covered by a number of decisions of this Court as well as the Apex Court. The CAT has in paragraph 5 of Ext.P3 noted that, in O.A No.715 of 2012 which was disposed of along with O.A. No.1051 of 2012 by Order dated 16.08.2013, the CAT had issued directions for calculation of the pension of persons who had retired prior to 2006. It was directed that, their pension be first calculated taking into account the revised pay in the Pay Band plus the Grade Pay corresponding to the pay scale from which the person had retired proportionate to the length of his service. 50% of the minimum of the Pay Band plus Grade Pay should then be worked

out and the higher of the two should be granted as pension. Against the said order allowing the said Original Applications, a Writ Petition, W.P.(C) No.1534 of 2012 had been filed before this Court. The said Writ Petition was dismissed following a Division Bench decision of the Punjab and Haryana High Court. It has been noted in paragraph 5 of Ext.P3 that, a Special Leave Petition filed against the said judgment was also subsequently dismissed. Our attention has been drawn to the judgment dated 7.1.2014 of a Division Bench of this Court in Original Petition (CAT) No.4 and 8 of 2014 following the very same dictum. It has been noted in the said judgment that, a Special Leave Petition filed against the judgment of the Punjab and Haryana High Court also has been dismissed by the Apex Court. Against the judgment of this Court also, a Special Leave Petition, SLP(C) No.6567 of 2015 filed by the Union of India has been dismissed. A Review Petition, No.2565 of 2015 filed in the said SLP was also dismissed on 28.8.2015. The above proceedings have been taken note of by the judgment dated 1.12.2015 in W.A. No.2531 of 2015 by which, another Division Bench headed by the Hon'ble Chief Justice of this Court has dismissed a similar matter.

3. Adv.Sri.C.S. Gopinathan Nair who appears for the

respondent has also drawn our attention to an order dated 17.3.2015 of the Apex Court dismissing Civil Appeal Nos.8875 - 8876 of 2011 filed by the Union of India against judgments from various other High Courts, in similar matters.

4. The issue raised in this Original Petition having been so covered by the proceedings referred to above, we find no grounds to entertain this case. In view of the above, this Original Petition is dismissed in limine.

The learned ASGI, as a last submission, sought for the grant of some time to comply with the direction of the CAT. The request is accepted. The time for complying with the directions contained in Ext.P3 order of the CAT is extended by a period of 6 weeks from today.

Sd/-

**K. SURENDRA MOHAN  
JUDGE**

Sd/-

**SHAJI P. CHALY  
JUDGE**

//true copy//

P.A. To Judge

smv  
17.12.2015