

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

RPNo. 741 of 2014 ()

(AGAINST THE JUDGMENT IN OP (CAT).NO. 1767/2012 DATED 22-05-2014)

REVIEW PETITIONER(S)/PETITIONER IN THE OP(CAT) :

1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF PERSONNEL,
PUBLIC GRIEVANCES AND PENSIONS DEPARTMENT OF
PENSION & PENSIONERS' WELFARE LOK NAYAK BHAVAN,
NEW DELHI-110 003.
2. PAY AND ACCOUNTS OFFICER,
CENTRAL PENSION ACCOUNTING OFFICE, TRIKOOT-2,
BHIKAJI CAMA PLACE, NEW DELHI-110 066.
3. THE CONTROLLER,
LIQUID PROPULSION SYSTEMS CENTRE,
INDIAN RESERACH ORGANISATION, VALIAMALA P.O.,
THIRUVANANTHAURAM-695 547.

BY ADV. SRI.TPM.IBRAHIM KHAN,SENIOR PANEL COUNSEL

RESPONDENT(S)/RESPONDENTS IN THE OP(CAT):

1. P.K. BHARGAVAN PILLAI,
S/O.LATE KRISHNAN PILLAI,
RETD. ADMINISTRATIVE OFFICER GRADE-I
INDIAN SPACE RESEARCH ORGANISATION,
RESIDING AT DAIVEEKOM, MANJAPRA P.O.,
ERNAKULAM-683 581.
 2. MANAGER,
STATE BANK OF TRANVANCORE, ANGAMALY BRANCH,
KALLOOKARAN TOWERS, ANGAMALY-683 572.
- *Addl.R3. R.KRISHNA KAMMATH,S/O.LATE RAMA KAMMATH,
50/193-D, PANDARAPARAMBIL, PONNEVAZHI,
NEW CROSS ROAD, PONEKKARA.P.O.,KOCHI-682 041.

R1 BY ADV. SRI.M.R.HARIRAJ
R2 BY ADV. SRI.WILSON URMESE
ADDL.R3 BY ADV. SRI.C.S.GOPALAKRISHNAN NAIR
SRI.VIJAYAN. K.U.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 10-02-2015, THE COURT ON 24-02-2015 PASSED
THE FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEX 1** COPY OF THE REPRESENTATION DATED 09/04/2012 SUBMITTED BY THE RESPONDENT BEFORE THE PAY & ACCOUNTS OFFICER, CPA OFFICE, NEW DELHI.
- ANNEX 2** COPY OF THE LETTER NO.CPAO/A-2/ COURT CASE FILE/P-84 DATED 16/04/2012 ISSUED BY THE SENIOR ACCOUNTS OFFICER, NEW DELHI TO THE REVIEW PETITIONERS.
- ANNEX 3** COPY OF THE OFFICE MEMORANDUM NO.38/27/12-P&PW(A) DATED 20/04/2012 ISSUED BY THE MINISTRY OF PERSONNEL, PG & PENSIONS, NEW DELHI
- ANNEX 4** COPY OF THE LETTER NO.3/2(2)(OA NO.747/11)/12-DLS DATED 08/05/2012 ISSUED BY THE THIRD REVIEW PETITIONER BEFORE THE MINISTRY OF PERSONNEL, PG & PENSIONS, NEW DELHI
- ANNEX 5** COPY OF THE REPRESENTATION DATED 30/07/2014 SUBMITTED BY THE RESPONDENT BEFORE THE CPAO, NEW DELHI
- ANNEX 6** COPY OF THE LETTER LPSC/ACCTS/PENSION/2014 DATED 09/09/2014 ISSUED BY THE 3RD REVIEW
- ANNEX 7** COPY OF THE DP & PW VIDE LETTER NO.38/27/12-P&PW(A) DATED 08/09/2014 ISSUED BY THE DP & PW.
- ANNEX 8** COPY OF THE LETTER NO.3/2(2) (RP NO.741/14)/2014-DLS DATED 16/10/2014 ISSUED BY THE THIRD REVIEW PETITIONER TO THE MINISTRY OF PERSONNEL, PG & PENSIONS.

RESPONDENT'S EXHIBITS & ANNEXURES:

- EXT.R1** COPY OF THE CPAO/LEGAL/2014-15/614/399 DATED 19/8/2014.

/TRUE COPY/

P.A.TO.JUDGE

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**P.N.RAVINDRAN
&
P.B. SURESH KUMAR, JJ.**

**R.P.No.741 of 2014
in
OP(CAT).No.1767 of 2012**

Dated this the 24th day of February, 2015

O R D E R

P.B. Suresh Kumar, J.

This review petition is instituted seeking a review of the judgment in OP(CAT).No.1767 of 2012. The review petitioners are the petitioners in the original petition.

2. The first respondent is a Central Government pensioner who retired prior to the year 2006. He preferred O.A.No.747 of 2007 before the Central Administrative Tribunal, Ernakulam Bench, seeking among others, a declaration that he is entitled to 50% of his minimum pay in the scale of pay of Rs.15,600/- and 50% of the grade pay attached to it as pension. The Central Administrative Tribunal granted the declaration sought for by the first respondent. Consequential reliefs were also granted to the

first respondent. OP(CAT).No.1767 of 2012 was filed challenging the said decision of the Central Administrative Tribunal.

3. When OP(CAT).No.1767 of 2012 came up for admission, it was pointed out by the learned counsel for the first respondent that the issue raised in the original petition stands covered against the petitioners by the judgment of this Court in OP(CAT).No.8 of 2014. The judgment in OP (CAT).No.8 of 2014 was also produced by the first respondent in the original petition as Ext.R1(A). It was also pointed out that Ext.R1(A) judgment was rendered following the judgments of the Delhi High Court and the Punjab & Haryana High Court on the very same issue and though the judgment of the Punjab & Haryana High Court on the same issue was challenged before the Apex Court, the Special Leave Petition filed in that regard was rejected. The aforesaid facts were not refuted by the learned counsel for the original petitioners. In the circumstances, the original petition was dismissed following the view taken by

this Court in Ext.R1(A) judgment.

4. Heard Sri.T.P.M.Ibrahim Khan, the learned Senior Counsel for the review petitioners and Sri.M.R.Hariraj, the learned Counsel for the first respondent.

5. The learned Senior Counsel for the review petitioners pointed out that the respondent in OP(CAT). No.8 of 2014 and the first respondent in the instant case are not similarly placed and that therefore, the original petition needs to be decided afresh on merits.

6. Per contra, the learned counsel for the first respondent pointed out that the respondent in OP(CAT). No.8 of 2014 and the first respondent in this case are similarly placed. According to him, both of them are Central Government pensioners who retired prior to the year 2006 and both of them were granted the very same relief by the Central Administrative Tribunal.

7. Since it was contended by the review petitioners that the first respondent herein and the

respondent in OP(CAT).No.8 of 2014 are not similarly placed, we called for the records in OP(CAT).No.8 of 2014. On a perusal of the records in OP(CAT).No.8 of 2014, we are satisfied that the first respondent herein and the respondent in that case are similarly placed.

8. In the said circumstances, we do not find any error apparent on the face of the records to warrant interference in exercise of review jurisdiction. The review petition, in the said circumstances, is devoid of merits and the same is accordingly, dismissed.

Sd/- P.N.RAVINDRAN, JUDGE.

Sd/- P.B.SURESH KUMAR, JUDGE.

Kvs/-

// TRUE COPY //

PA TO JUDGE.