

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WA.No. 2531 of 2015 IN WP(C).31779/2014

AGAINST THE JUDGMENT IN WP(C) 31779/2014 DATED 16-01-2015

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APPELLANTS/RESPONDENTS :

1. JOINT ASSISTANT DIRECTOR (ACCOUNTS)
PAY AND ACCOUNTS DIVISION, BORDER SECURITY FORCE
PUSHPA BHAVAN, MADANGIR, NEW DELHI 110063.
2. CHIEF CONTROLLER
CENTRAL PENSION ACCOUNTING OFFICE
TRIKOOT II COMPLEX, BHIKAJICAMA PLACE, R.K.PURAM
NEW DELHI - 110066.
3. DIRECTOR GENERAL OF BORDER SECURITY FORCE
BLOCK NO.10, CGO COMPLEX, LODHI ROAD
NEW DELHI - 110003.
4. UNION OF INDIA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF PENSION AND PENSIONERS WELFARE
SOUTH BLOCK, NEW DELHI - 110001.

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

RESPONDENT/WRIT PETITIONER :

P.PILLAI, AGED 77 YEARS,
S/O.LATE K.K.KESAVA PILLAI,
INSPECTOR GENERAL (RETD) BORDER SECURITY FORCE
KAILAS', EDAYARANMULA P.O., PATHANAMTHITTA DISTRICT
PIN - 689 532.

BY SRI.C.S.GOPALAKRISHNAN NAIR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 01-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.A. No. 2531 OF 2015

Dated this the 1st day of December, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the appellant as well as learned counsel for the respondent/writ petitioner. This writ appeal is filed against judgment dated 16.01.2015 in W.P.(C) No. 31779 of 2014. The writ petition was filed by the petitioner praying for the following reliefs :

“i. Issue a writ of mandamus or any other writ, order or direction to the respondents to revise the pension of the petitioner to Rs.26,500/- w.e.f. 1.1.2006 and disburse the arrears with 12% interest within a stipulated period.

ii. Grant such other relief or reliefs that may be prayed for or that are found to be just and proper in the nature and circumstances of the case.

Iii. Award cost of this writ petition.”

2. The writ petitioner retired as Inspector General from the Border Security Force on 28.02.1995. The petitioner's claim was based on 6th Pay Commission Recommendation that he is entitled for the revised pensionary benefits. Petitioner's case before the learned Single Judge was that the case is fully covered by judgment of this Court dated 19.11.2014 passed in W.P.(C) No.26509 of 2014 (**T.R. Gopalakrishnan Nair v. The**

Deputy Director (Accounts)). In another judgment of this Court passed in O.P.(CAT) No.8 of 2014 decided on 07.01.2014 (**Union of India V. M.O. Inasu**), the Division Bench considered the same issue. Against the Division Bench judgment of this Court, Union of India filed a Special Leave Petition in the Apex Court, being S.L.P No. 6567 of 2015, which was dismissed by the Apex Court. Review Petition No. 2565 of 2015 in S.L.P No.6567 of 2015 was also dismissed by the Apex Court on 28.08.2015.

3. Learned counsel for the appellant does not dispute that the view taken by learned Single Judge has already been reiterated by Division Bench in Union of India V. M.O. Inasu(supra) and more so the S.L.P and R.P. filed before the Apex Court have already been dismissed.

In the above view of the matter we see no ground to interfere with the judgment of learned Single Judge. The Writ Appeal is dismissed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**