

CENTRAL ADMINISTRATIVE TRIBUNAL ERNAKULAM

Order Sheet

Item no.: 1

O.A./548/2024 (ERNAKULAM)

[RECOVERY FROM PENSION]

[SENIOR CITIZEN]

Court No.: 2

No of Adjournment:

Order Dated: 18/10/2024

K G BALAKRISHNA PILLAI

Vs

DEPARTMENT OF TELECOMMUNICATION

For Applicant(s) Advocate : Mr. U. Balagangadharan

For Respondent(s) Advocate : Mrs. O.M. Shalina, SCGSC (R-1 to 5), Mr. Alfred Lionel Winston M, ACGSC (R-6&7)

Order of The Tribunal

Heard Sri U. Balagangadharan, learned Counsel for the applicants.

Admit.

MA/879/2024 (to join together)

MA for joining together is **allowed**.

Smt O.M. Shalina, SCGSC takes notice for respondents 1 to 5 and Sri Alfred Lionel Winston M, ACGSC appears for R-6 and 7.

Learned Counsel for the applicants has pressed for an interim order in the light of Annexure A-6 order of the Hon'ble High Court and also numerous orders passed by the Chandigarh Bench of this Tribunal. He has also taken to me a copy of the order of the Hon'ble High Court in WP(C) No. 36105 dated 16.10.224 in which stay of recovery of Commuted Value of Pension has been granted after 11 years from the date of commencement of commutation. The learned Counsel also has taken to me the recommendation of the Second National Judicial Pay Commission. Paragraph No 1 as follows:-

"1. Presently, the pension is calculated at 50% of the last drawn pay of the officer subject to commutation, if any, as stated earlier (See Part-I, Vol.II page 1 para 4 of the report). Every pensioner is eligible to commute a percentage of his monthly pension for a lumpsum payment, which is the commuted value of that percentage of pension. On commutation, the commuted portion of pension is exchanged for the lumpsum payment called commuted value. Commuted amount of pension is thus a recoverable advance/loan repayable periodically over a certain period. On commutation, there is reduction in the amount of monthly pension for a certain number of years (presently and since long it is 15 years)."

The learned Counsel also placed reliance on the decision in **Central Government Pensioners' Association v. Union of India and Another** [2008 (2) KHC 168] also.

After hearing the learned Counsel on both sides, in line with the orders of the Hon'ble High Court, **there shall be a stay of recovery from the pension of the applicants towards commuted value of pension, till the next date of posting.**

List on 25.11.2024, for filing reply statement.

Hand over.

JUSTICE K HARIPAL
Member (J)

/ax/