

**HON'BLE SRI JUSTICE JOYMALYA BAGCHI
AND
HON'BLE SRI JUSTICE M.GANGA RAO**

WRIT PETITION No. 8282 of 2019

(Taken up through video conferencing)

ORDER: (Per Hon'ble Sri Justice Joymalya Bagchi)

Order dated 29.11.2018 passed in OA/020/00084/2018 by the Central Administrative Tribunal, Hyderabad, in terms of the order passed by the High of Court Kerala, dated 31.07.2015 between Director of Accounts (Postal), Kerala Circle, Thiruvananthapuram-1 & 3 Ors Vs.N.Karthikeyan Pillai, Postal Assistant (Rtd), Vaisakh, Vellithode, Thrikkaipetta, Mepadi, Wayanad District whereby the Kerala High Court had upheld the order dated 31.07.2015 passed in OA No.640 of 2014 by the Central Administrative Tribunal, Ernakulam bench. By the said order, Kerala High Court had extended the benefit granted to the pensioners following the orders issued by the Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Pension and Pensioner's Welfare in O.M.No.F.No.38/37/08-P&PW, dated 01.09.2008. As per the said order, revised pension shall not be lower than 20% of the minimum of the payment and corresponding scale. Following the ratio laid down as aforesaid, the Tribunal granted similar relief to the respondent pensioners.

Learned Assistant Solicitor General of India appearing for the petitioner Union of India placed reliance on the

Government order O.M.No.F.No.38/37/08-P&PW, dated 01.09.2008 and argues that such benefit shall not be extended to the persons who were compulsorily retired from service as such the classification of pensioners did not find favour with the decision taken by High Court of Kerala as aforesaid. Therefore, there is no reason to take contrary view therefrom. Hence, we find no reason to interfere with the order impugned and is liable to be dismissed and accordingly, dismissed. No costs.

Miscellaneous Petitions, pending if any, shall stand closed.

JUSTICE JOYMALYA BAGCHI

JUSTICE M.GANGA RAO

22.03.2021

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