

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE****REVIEW APPLICATION NO.170/12/2019 IN ORIGINAL APPLICATION
NO.170/00036/2018****DATED THIS THE 11th DAY OF DECEMBER, 2019****HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER****HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER**

N. Manoharan
S/o Late V.P. Nallaswamy
Aged 76 years, retired as
Office Superintendent Grade-I
Railway Workshop
South Western Railway
Ashokapuram, Mysuru – 570 008.
Residing at No.162, Ground Floor
Vijayanagar Railway Layout
Mysuru – 570 016

....Applicant

(By Advocate Shri A.R. Holla)

Vs.

1. Union of India

By Secretary

Ministry of Railways

Railway Board

Rail Bhavan

New Delhi – 110 001.

2. The General Manager

South Western Railway

Hubli – 580 020.

3. The Workshop Personnel Officer

South Western Railway,

Head Quarters (STAT)

2nd Floor, Ashokapuram

Mysuru – 570 008.

....Respondents

(By Shri N. Amaresh, Senior Panel Counsel)

ORDER

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN.))

This review application has been filed by the applicant seeking review of the order dated 7.12.2018 passed in OA.No.36/2018 by this Tribunal(Annexure-RA1). In the review application, the applicant has reiterated the submissions made in the OA.36/2108 and submits that the Tribunal relying on the assertion made by the respondents that the order dtd.11.9.2008 read with OM dtd.13.11.2009 are applicable to the serving employees and not for pensioners, had dismissed the OA. The applicant submits that there cannot be any distinction between the serving employees and pensioners with regard to the fixation of pay as on 1.1.2006. The pay of the retired employees has to be determined as on 1.1.2006 and the same shall be the basis for fixation of their pension. The Tribunal in a similar case in *V.Shankar vs. UOI* in OA.730/2017(Annexure-RA2) held that the applicant was to be considered against the pay scale of Rs.7450-11500 with Grade Pay of Rs.4600. The above order has been followed by this Tribunal in a number of cases including that of *D.Sevaraj & others vs. UOI & others* in OA.No.223/2018. Now the DoPT issued an OM dtd.4.1.2019(Annexure-RA3) holding that the pensioners who were in the pre-revised scale of Rs.6500-10500 should be granted GP Rs.4600 w.e.f. 1.1.2006. Hence, having regard to

these precedents and the view taken by the DoP&T, the order of this Tribunal required to be reviewed. The applicant has also filed MA.168/2019 for condonation of delay of 23 days in filing the review application.

2. The respondents have filed reply statement submitting that filing of this RA is premature since the applicant did not wait for the implementation of instructions contained in DoPT OM dtd.4.2.2019 which has been circulated by the Railway Board vide letter dtd.4.2.2019. It is stipulated in Para-6 of DoPT OM that Grade Pay of Rs.4600 may be considered as the corresponding Grade Pay in the case of pre-2006 pensioners who retired/died in the 5th CPC scale of Rs.6500-10500 or earlier equivalent pay scale in the earlier pay commission periods(Annexure-R1). A list containing the names of 56 pensioners which includes the name of the applicant(SI.No.45) who retired from service in 5th CPC scale of Rs.6500-10500 was forwarded to Associate Finance by the 3rd respondent vide letter dtd.26.7.2019(Annexure-R2) for revision of pension in terms of Annexure-R1. The Associate Finance has revised the pension of the applicant in terms of Annexure-R1 and a modified PPO issued by the Financial Adviser and Chief Accounts Officer (FA&CAO), SW Rly., Hubballi on 23.8.2019(Annexure-R3). Hence, with the revision of the pension of the applicant w.e.f. 1.1.2006 in Grade pay of Rs.4600, his grievance has been settled and therefore, the RA is liable to be dismissed.
3. We have heard the Learned Counsel for both the parties and perused the materials placed on record in detail. In view of the submissions of the respondents, the RA is disposed of as infructuous.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ps/

Annexures referred to by the applicant in RA.No.12/2019

Annexure-RA1: Copy of the order dtd.7.12.2018 in OA.36/2018

Annexure-RA2: Copy of the order dtd.18.6.2018 in OA.730/2017

Annexure-RA3: Copy of OM dtd.4.1.2019

Annexures with reply:

Annexure-R1: Railway Board vide letter no.F(E)III/2008/PN1/12 dd.4.2.2019
(R.B.E.No.17/2019)

Annexure-R2: Letter no.S/P.500/Pre-2016/Pay Fixation dtd.26.7.2019 & list of
pensioners annexed to it

Annexure-R3: Modified PPO sanctioned by Financial Adviser and Chief Accounts
Officer (FA & CAO), South Western Railway, Hubballi
