



CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

O.A. No.060/00443/2019

Chandigarh, this the 13th of March, 2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

Neelam Arora w/o Sh. Chander Arora, aged 65 years (Ex-Superintendent) r/o House No. 248, Phase-I, Opposite Gurdwara, Mohali, Punjab – 160055.

....Applicant

(BY: MR. D.R. SHARMA, ADVOCATE)

Versus

1. Union of India through its Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. Chief Commissioner, Central Excise Division, Sector 17, Chandigarh – 160017.

... .Respondents

(BY: MR. SANJAY GOYAL, ADVOCATE)

O R D E R(Oral)

SANJEEV KAUSHIK, MEMBER (J):

1. MA No. 060/00293/2020 is allowed and written statement filed by the respondents is taken on record.
2. The case is taken up for hearing with the consent of learned counsel for the parties.
3. Learned counsel for the applicant submitted that an identical case titled **Sushma Gupta Vs. Union of India & Another** (O.A. No. 060/00695/2019) has recently been



decided by this Court vide order dated 28.01.2020 wherein it has been held that the benefit of stepping up of pay would be counted towards fixation of pension, based on earlier decision of this Court in the case of **Kamlesh Sharma Vs. Union of India** which has been upheld by the Hon'ble Jurisdictional High Court while dismissing the Writ Petition (CWP NO. 13993/2019) filed at the hands of the Government of India. Learned counsel prays that this case may be allowed in the same terms.

4. Learned counsel for the respondents is not in a position to cite any law contrary to what has been held in the above noticed judgments. He, however, submitted that the respondents have written to the DOP&T for a clarification in this case. Learned counsel for the applicant rebutted that in para 10 of the order passed in the case of Sushma Gupta (supra), it has been noticed that the DOP&T vide Annexure R-2(therein) have opined that if stepping up of pay is given to an employee through MACP, that has to be treated as regular basic pay while fixing the pay and pension of the concerned employee. He argues that once the concerned Ministry has opined on the issue then there is no need to seek clarification in each and every case of similar kind.

5. After hearing learned counsel for the parties and having thoughtful consideration on the issue, I find that the



Ministry has already given its mind on the issue and the decision of this Court on the identical issue in the case of Kamlesh Sharma (supra) has been upheld by the Hon'ble High Court, so no further deliberations are required. This O.A., being squarely covered by the order dated 28.01.2020 passed in the case of Sushma Gupta (supra), stands disposed of the in the same terms, the operative part whereof is reproduced herein below:-

“In the wake of the above, coupled with the contents of Annexure R-2, the opinion given by the DoP&T, where a clarification has been given that if a stepping up of pay is given to an employee through MACP, that has to be treated as regular basic pay while fixing the pay and pension of the concerned employee, we are left with no option but to allow the present OA as has been done in the case of Kamlesh Sharma (supra). OA is allowed accordingly. Respondents are directed to expeditiously revise the pension of the applicant and other pensionary benefits like difference in Leave Encashment, Gratuity by taking into account her stepped up pay. No costs.”

**(Sanjeev Kaushik)
Member (J)**

Place: Chandigarh
Dated: 13.03.2020

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