



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

**OA No. 060/695/2019
MA No. 060/155/2020**

Chandigarh, this the 28th day of January, 2020

**HON'BLE MR.SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. NAINI JAYASEELAN, MEMBER (A)**

Sushma Gupta w/o Sh. Rajiv Kumar Gupta, aged 66 years, r/o House No. 675, Sector -9, Panchkula, Haryana-134113.

.....Applicant

BY ADVOCATE: **Sh. D.R. Sharma**

VERSUS

1. Union of India through its Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi-110 001.
2. Chief Commissioner, Central Excise Division, Sector 17, Chandigarh-160 017.

.....Respondents

BY ADVOCATE: **Sh. Sanjay Goyal**

ORDER (ORAL)

MR. SANJEEV KAUSHIK, MEMBER(J):-

1. MA No. 060/155/2020 is allowed. Written statement annexed therewith is taken on record.
2. The present OA has been filed by the applicant seeking issuance of directions to the respondents to revise her pension and other pensionary benefits like difference in Leave Encashment, Gratuity on account of stepping of her pay issued vide order dated 12.09.2014 by taking her last pay drawn as Rs. 32,190/- by extending her benefit



of decision dated 03.03.2017 in OA No. 428/PB/2013 titled **Hardial Singh & Ors. Vs. UOI & Ors.** as upheld by the Hon'ble jurisdictional High Court vide order dated 06.04.2018.

3. Heard.

4. The applicant herein earlier approached this Tribunal by filing OA No. 1303/HR/2013 wherein she had sought issuance of directions to the respondents for removal of anomaly in the pay scale and stepping up of her pay at par with her junior by extending her the benefit of decision in OA No.156-JK-2009 decided on 19.01.2010 and OA No. 1084-CH-2011 decided on 19.04.2012. This court allowed the OA by directing the respondents to extend her the benefit as had been given in other cases. Subsequent to that, the respondents filed a Review Application before this Court which was also dismissed vide order dated 07.01.2014.

5. It is argued by the learned counsel for the applicant that while implementing the directions of this court, the pay of the applicant has been stepped up at par with her junior. The applicant retired on superannuation on 31.01.2013, but, at that time, the respondents did not include the benefit of stepped up pay while fixing her



pension and calculating pensionary benefits leading applicant to file the present OA.

6. Today, when the matter came up for hearing, learned counsel for the respondents argued that in the written statement, the respondents have taken a solitary plea that another matter of similar nature is pending adjudication before the Jurisdictional High Court in **UOI**

Vs. Kamlesh Sharma in CWP No. 13993-2019.

Therefore, the plea raised by the applicant cannot be accepted.

7. Today, Sh. Sharma, learned counsel for the applicant produced an order passed by the Jurisdictional High Court in the above indicated case dated 03.12.2019 whereby the writ petition at the hands of Government of India was dismissed. Thus, Sh. Sharma states that since the order in Kamlesh Sharma (supra) stands implemented, applicant in the present OA cannot be discriminated with.

8. In this view of the matter, learned counsel requested that let directions be issued to the respondents to accede to the prayer made by the applicant by fixing her pension after taking into account the stepping up of



pay granted to her with consequential benefits, in view of finality of the issue.

9. Sh. Sanjay Goyal, learned counsel for the respondents is not in a position to say anything contrary to the statement as has been made by the learned counsel for the applicant.

10. 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)**

**(NAINI JAYASEELAN)
MEMBER(A)**

Dated: 28.01.2020
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