

CP 141/2019
[Arising out of OA 1062/2018]

16.03.2020

Sri L.D. Ram, Id. counsel for the applicant.
Shri Rajendr Krishna, Id. SC for the respondents.

Show cause has been filed by the respondents. It is contended by the respondents that as per the direction of the Tribunal, respondents have already been made payment of all retiral dues to the applicant within stipulated time and appropriately fixed the pension as Rs. 2400/- instead of Rs 2800/- vide order dated 13.12.2019 as per provision of CCS (Pension) Rules 1972.

Learned counsel for the applicant submits that the respondents have erroneously reduced his Grade Pay from Rs. 2400/- to 2800/- so wrongly fixed his pension and have not complied with the order of this Tribunal.

We have examined the order passed by this Tribunal in OA 1062/2018. It is noticed that the Tribunal had allowed the OA only on the issue or recovery of excess payment and further it was stated that "However, it does not preclude the respondents for fixation of correct pension of the applicant while deciding settlement for retiral

dues." Since, the respondents have paid the retiral dues to the applicant and fixed the pension as per entitlement of the applicant under the rules. In our view, respondents have complied the order of this Tribunal. If any grievance of the applicant with respect to fixation of the pension, it is open for the applicant to take appropriate legal recourse. Hence, C.P. is dropped. Notices are discharges.

[Dinesh Sharma]
Member (A)
Bp/

[J.V. Bhairavia]
Member (J)