



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A No. 3966/2015

Reserved on : 22.01.2020

Pronounced on : 23.01.2020

**Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Shri Chandra Singh, Age : 79 years,
S/o. Shri Sagar Mal
Retd. CIT, Rewari, Bikaner Division,
R/o. A-30, Chamohery Gali,
Kondali Colony,
Kondali, Delhi – 96.
2. Shri Chander Prakash, Age : 79 years
S/o. Late Brij Narain, Retd.
CIR, Rewari,
R/o. A-23, Kondali,
Near Dr. Raj Rani Hospital,
Delhi – 96.
3. Shri Mansa Ram, Age : 79 years
S/o. Shri Tej Ram, Retd., CPS, RE,
R/o. C-8/247, Yamuna Vihar, Delhi.
4. Shri Mangtoo Ram, Age : 79 years,
S/o. Harkaran Ram, Retd CIT, RTGH
R/o. A-158, F-6, Dilshad Colony,
Delhi – 91. ...Applicants

(By Advocate : Mr. Khairati Lal)

Versus

Union of India

Through

1. The General Manager,
NW Railway, Jaipur.
2. The Divisional Railway Manager,
NW Railway, Bikaner. ...Respondents

(By Advocate : Mr. Kripa Shanker Prasad)

ORDER



Hon'ble Ms. Aradhana Johri, Member (A)

The applicants, three of whom were CIT/RE and the 4th applicant Shri. Mangtu Ram was CIT/RTGS with the respondents and they retired on different dates between 31.01.1994 to 30.11.1995. It is their contention that they were given Pay band of Rs.6500-10500/- with Grade Pay Rs.4200/- whereas the grade pay for pay band of Rs.6500-10500 had been enhanced to Rs.4600/- vide Railway Board Circular RBE No. 11/2013 but the respondents did not revise the Grade Pay of the applicants. They have also given the example of Shri Shyam Sunder, Krishan Lal Oberoi and Bahadur Prasad who retired as CIT on 01.12.2012, 31.12.1989 and 31.07.1992 respectively, in pay band Rs.6500-10500/- and were given Grade Pay of Rs.4600/-. The applicants have prayed for being granted the Grade Pay of Rs.4600/- along with interest thereon. They have filed a copy of the RBE Circular No. 11/2013 dated 11.02.2013 as Annexure A-1 of the O.A.

2. They have prayed for the following reliefs :-

- “i) Direct Respondent No. 2 to issue revise Pension Pay Order to applicants pre-2006 retirees Chief Inspector Ticket/Parcel in Pay Band Rs/6500-10500 in conformity to Railway Board’s letter No. F(E)III/2008/PNI/12 dated 11.02.2013 ‘RBE No. 11/2013 at par with other CITs of the same Pay Band getting Grade Pay Rs.4600/- instead of 4200/- as is being given to applicants at present and also arrange arrears thereon w.e.f. 01.01.2006 to the applicants.
- ii) Direct Respondent No. 2 to pay 12% interest on total emoluments of amount of arrears withheld by Respondent



no. 2 arbitrarily without any reasonable justification and cogent reasons.”

3. The respondents have denied the claim of the applicants and have stated that the so called Railway Board circular RBE 11/2013 dated 11.02.2013 filed at Annexure A-1 is incomplete and incorrect and the official respondents have filed the correct circular RBE 11/2013 whose annexures are different to those filed by the applicants. The circular filed by them which encloses instructions No. 38/37/08-P&PW(A) dated 28.01.2013 of the Department of Pension and Pensioner's Welfare, pertains to officials who have retired pre 2006. At Sl. No. 13 of the Annexure it has been given that for the Pay Band of Rs.6500-200-10500 the grade pay is Rs.4200/-. They have also stated that of the three cases cited Sh. Shyam Sunder retired on 30.11.2012, which is after cut off date of 2006, while in the case of Sh. Krishan Lal Oberoi, and Bahadur Prasad, the Grade Pay of Rs.4600/- was wrongly given and when the matter came to light it was correctly revised to Grade pay of Rs.4200/-.

4. Heard Mr. Khairati Lal, learned counsel for applicants and Mr. Kripa Shanker Prasad, learned counsel for respondents and perused the records.

5. The whole case centres around what grade pay was sanctioned by the Railway Board vide RBE No.11/2013



dated 11.02.2013. From a perusal of Annexure I filed by the applicants, it is very clear that it is incomplete. The complete version of the said circular had been filed by the official respondents.

6. The circular reads as follows :-

“Subject : Revision of pension of pre-2006 pensioners-reg.

A copy of Department of Pension and Pensioner's Welfare (DOP&PW)'s O.M. No. 38/37-08-P&PW(A) dated 28.01.2013 on the above subject is enclosed for information and compliance. These instructions shall apply mutatis mutandis on the Railways also. Rules 49 and 54 (3) (a) of the CCS (Pension) Rules, 1972 referred to therein correspond to Rules 69 and 75 (4) (i) of the Railway Services (Pension) Rules, 1993 respectively. The Ministry of Finance, Department of Expenditure's O.M No. 1/1/2008-IC dated 30.08.2008 mentioned in DOP&PW's O.M. dated 28.01.2013 has been adopted on Railways vide Railway Board's letter No. PC-VI/2008/1/RSRP/1 dated 11.09.2008.

2. A concordance of DOP&PW's instructions referred to in the enclosed O.M. and Railway Board's corresponding instructions is given below :-

| Sl. No. | DOP&PW's Instructions | Corresponding instructions of Railway Board |
|----------------|-----------------------------------|--|
| 1. | 38/37/08-P&PW(A) dated 01.09.2008 | F(E)III/2008/PN1/12 dated 08.09.2008 |
| 2. | 1/3/2011-P&PW(E) dated 25.05.2012 | F(E)III/2008/PN1/12 dated 29.06.2012 |

3. Please acknowledge receipt.”

7. At Sl. 13 of the annexure of the said circular, the following table is given.

| S. No. | Pay Scale w.e.f. 1.1.1986 | Post/Grade and Pay Scale w.e.f. 1.1.1996 | Name of Pay Band/ Scale Grade Scale | Corresponding 6 th CPC Pay Bands/ Scales | Corresponding Grade Pay | Sum of minimum pay in the pay band and grade pay in the pay fitment table | Pensions 50% of Sum of minimum pay in the pay band and grade pay/minimum pay in the pay scale as per fitment table | Family Pension = 30% of Sum if minimum pay in the pay scale as per fitment table | |
|--------|---|--|--|---|-------------------------|---|--|--|------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 13. | 2000-60-2300-75-3200 2000-60-2300-75-3200-3500 | S-12 | 6500-200-10500 | PB-2 | 9300-34800 | 4200 | 16290 | 8145 | 4887 |



8. From a perusal of the said circular it clearly emerges that pre 2006 retirees in the grade of Rs.6500-200-10500/- were to get the Grade Pay of Rs.4200/-.

9. Vide rejoinder the applicants have cited RBE Circular No. 226/2009 which speaks of Grade Pay of Rs.4600/- to the posts that existed in the pre-revised scale of Rs.6500-10500/-as on 01.01.2006. This circular predates the circular No. RBE 11/2013. Therefore, it clearly emerges that the circular dated 11.02.2013 would prevail. In any case, the main plea taken by the applicants is also based on the circular dated 11.02.2013.

10. The applicants have cited three cases of similarly placed persons getting Grade Pay of Rs.4600/- to buttress their claim. As per the reply of the respondents, it is very clear that Sh. Shyam Sunder was not similarly placed since he retired on 30.11.2012 which was post 2006 whereas the applicant retired pre-2006. Sh. Krishan Lal Oberoi and Shri. Bahadur Prasad were wrongly given Grade Pay of Rs.4600/- and the respondents have stated that their pension was revised as per Grade Pay of Rs.4200/-. Therefore, the applicants cannot get any benefit from the cited cases.



11. In the light of the aforementioned, this O.A is found to be without any merit and is dismissed. No order as to costs.

(Aradhana Johri)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

/Mbt/