

**Central Administrative Tribunal
Principal Bench**OA No.917/2016
MA No.2821/2019**New Delhi, this the 31st day of January, 2020****Hon'ble Mr. Pradeep Kumar, Member (A)**

Shri V.P.S. Tyagi

Aged 77 years Ex- Section

Officer (SOA) Retd. Defence Accounts

Department of Ministry of Defence

R/o H. No.358/359, W.K.Road, Meerut (U.P.).

...Applicant

Subject: Fixation of Pension Under 6th C.P.C.

(Applicant in person)

Versus

1. The Union of India
(Through Secretary)
Ministry of Defence
South Block-New Delhi – 110 001.
2. The Controller General of Defence Accounts
CGDA
Ulan Batar Marg
Palam, Delhi Cantt-110 010.
3. The Principal Controller of Defence Accounts (WC)
Chandigarh (U.T.).
4. The Principal Controller of Defence Accounts (Pension)
Dropadi Ghat
Allahabad.
5. The Defence Pension Disbursing Officer
(DPDO) Near Belvadier Complex
Meerut Cantt. ...Respondents

(By Advocate :Ms. Harvinder Oberoi)



Order (ORAL)

The applicant herein was retired while he was working as Section Officer in Ministry of Defence (Accounts Service) w.e.f. 15th June, 1984. The pension was to become applicable w.e.f. 16th June, 1984. He had completed qualifying service of 23 years, 11 months and 28 days. At that time, he was working in 3rd CPC. The 4th CPC scales came into being w.e.f. 01.01.1986 and the corresponding 4th CPC scale for the one wherein the applicant was working at the time of retirement, was Rs.1640-2900/-. The corresponding scale in 5th CPC is Rs.5500-9000/-, which is effective from 01.01.1996.

2.0 When 6th CPC directions were issued (which was to come into effect from 01.01.2006), three scales namely, Rs.5000-8000/-, Rs.5500-9000/- and Rs.6500-10500/- were all merged and were given a replacement pay scale in PB-II with grade pay of Rs.4200/-.

3.0 Subsequently, many representations were received by the Government and for all those who were working in the pay scale of Rs.6500-10500/-, were granted the replacement pay scale of PB-II grade pay Rs.4600/- vide Ministry of Finance OM dated 13.11.2009.

4.0 The applicant pleads that with the merger of three pay scales as per para 2 above, the Section Officers were upgraded



to the pay scale of Rs.6500-10500/-. Accordingly, the applicant's pension is now required to be fixed in the pay scale of PB-II with grade pay Rs.4600/-. Instead, the applicant's pension has been fixed in PB-II with grade pay Rs.4200/-. The applicant is aggrieved on account of the same and has preferred the instant OA.

5.0 The applicant placed reliance upon the OM dated 04.01.2019 issued by Department of Pension and Pensioners Welfare. Specific attention was drawn to the following paras, contained in this OM :-

"3. In the aforesaid OM dated 28.1.2013 of Department of Pension & Pensioners Welfare, the grade pay corresponding to the pre-revised pay scale of Rs.6500-10500 was shown as Rs.4200/- and the minimum pension in terms of para 4.2 of the OM dated 1.9.2008 was shown as Rs.8145/- (50% of minimum pay of Rs.16,290/- as per fitment table for the pre-revised scale of pay of Rs.6500-10500, annexed to Ministry of Finance, Department of Expenditure's OM No.1/1/2008-IC dated 30th August, 2008).

4. Order were issued vide Ministry of Fianance, Department of Expenditure's OM No.1.1.2008-IC dated 13.11.2009 that the posts which were in the pre-revised scale of Rs.6500-10500 as on 1.1.2006 and which were granted the normal replacement pay structure of grade pay of Rs.4200/- in the pay band PB-2, will be granted grade pay of Rs.4600/- in the pay band PB-2 correspondent to the pre-revised scale of Rs.7450-11,500 w.e.f. 01.01.2006."



6.0 The respondents opposed the OA. It was pleaded that for the pay scale from which the applicant had retired in the year 1984, the corresponding 5th CPC replacement pay scale was Rs.5500-9000/- only. The corresponding replacement scale as per 6th CPC was PB-II with grade pay Rs.4200/-. The pension of the applicant has accordingly been revised in the pay scale of PB-II with grade pay Rs.4200 only. This is correct.

7.0 The applicant's plea for grant of revision of pension as per PB-II with grade pay Rs.4600/- has no basis as the applicant had never worked in the scale which was corresponding to 5th CPC scale of Rs.6500- 10500/-

Even if the contention of the applicant, that Section Officers were subsequently upgraded to the pay scale of Rs.6500-10500/- is accepted just for sake of discussion, this shall become applicable only to those Section Officers who were still working on that particular date when this upgradation took place and not from any earlier date.

Accordingly, respondents plead that this OA is without any merit.

8.0 The matter has been heard at length. Shri V.P.S. Tyagi, represented in person and Ms. Harvinder Oberoi, represented the case of the respondents.



9.0 The pension is to be decided and revised based upon the pay scale which was drawn by an employee at the time he retired and the corresponding replacement scale granted by subsequent CPCs.

10.0 In the instant case, it is not disputed that the corresponding replacement scale for the applicant as per the 5th CPC was the pay scale of Rs.5500-9000/-. The corresponding replacement scale of the 6th CPC was PB-II with grade pay of Rs.4200/-. Pension has already been revised on this basis. And this is admitted.

The applicant's plea that subsequently the Section Officers were upgraded to Rs.6500-10500/- and accordingly the upgradation also should be given to him, even though he retired much earlier to such upgradation, is without any basis. The applicant has been unable to link any policy directives to this effect. Instead, the policy directives referred by the applicant, in para 5 above, are in respect of those who were working in the pay scale of Rs.6500-10500/- as on 01.01.2006 and were granted the replacement pay scale of PB-II plus GP Rs.4600/-. It is not the case in respect of instant applicant. The OA is without any merit.



11.0 In view of foregoing, the OA is dismissed being devoid of merit. Pending MA is also disposed of. Nor order as to costs.

(PRADEEP KUMAR)
Member (A)

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