



**Central Administrative Tribunal
Principal Bench**

OA No. 291/2016

New Delhi this the 13th day of February, 2020

**Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)
Hon'ble Mr. Pradeep Kumar, Member (A)**

1. Y.D. Saini, aged 64 years,
S/o Shri Gurdial Singh Saini
R/o X/1907, Street No. 10, Rajgarh
Colony Extn.,
Delhi-110031.
(Retd. as Section Officer, DG
Doordarshan, New Delhi)
2. S.L. Bharti, aged 72 years,
S/o Shri Dhani Ram,
R/o D-132, DDA Flats,
Kalkaji, South Delhi-110019
(Retd. as Senior Accountant,
Pay & Accounts Office
AIR, Aakashvani Bhawan,
New Delhi).
3. Girdhari Lal, aged 71 years,
S/o Shri Ganga Sahai
R/o O-103, Sector-12, Noida, UP
(Retd. as UDC, CGHS,
Nirman Bhawan,
New Delhi-110001)
4. Deep Chand aged 70 years,
S/o Shri Duli Chand
R/o B-33, Salwal Nagar,
New Delhi-110049
(Retd. As Assistant Director,
Directorate of Estates,
Nirman Bhawan,
New Delhi-110001).
5. Suraj Bhan Mittal, aged 72 years,
S/o Shri Hukam Singh
R/o VPO Pritampur, District
Sonipat, Haryana



(Retd. as Section Officer,
Publication Division
Ministry of I & B, Patiala House, New Delhi.)

6. J.M. Katyal, aged 73 years
S/o Shri Gokul Chand Katyal
R/o C3/72-A, Lawrence Road, Delhi-110035
(Retd. as Head Clerk, CCW DG AIR,
Aakashvani Bhawan, New Delhi.)
7. Tikaram, aged 69 years
S/o Shri Moharu Singh
R/o M-77, MB Road, Lado Sarai
Mehraulli, Delhi-110030
(Retd. as Assistant, DG, AIR,
Aakashvani Bhawan,
New Delhi).

...Applicants

(By Advocate : Shri K L Manhas)

Versus

1. Chief Executive Officer, Prasar Bharati,
2nd Floor, PTI Building, Sansad Marg,
New Delhi-110001.
2. Director General, Directorate of Doordarshan,
Mandi House, New Delhi-110001. ...Respondents

(By advocate : Shri Rajeev Sharma with Shri Saket
Chandra
Shri Aamir Shaikh for Shri Hanu
Bhaskar)

O R D E R (Oral)

Hon'ble Mr. Pradeep Kumar, Member (A):

1.0. The applicants herein are retired employees of Doordarshan. Post retirement, they were re-engaged. During the said period of re-engagement, they were paid



at rates "last pay drawn minus pension," as per the terms of their engagement.

2.0. The applicants pleaded that respondents revised the applicable rate of payment, for such retired people re-engaged w.e.f. 27.09.2012 onwards. These rates were at variance with respect to "last pay drawn minus pension" and the actual payable rate was somewhat higher.

3.0. The applicants plead that they are eligible for payment of such higher rates for the period with effect from 27.09.2012 onwards till such time they were kept re-engaged, as such higher rates were paid to other similarly placed retired reengaged staff. However, these higher rates have not been paid to them despite representations and accordingly feeling aggrieved, they had preferred the instant OA.

4.0. In the hearing of 16.01.2020, the respondents were directed to clarify as to what rates have been made applicable in respect of re-engagement of the retired people.

In the hearing on date, the respondents brought out a file wherein it becomes clear that the rates were revised to "last pay drawn minus pension subject to certain minimum" and this was applicable w.e.f. 27.09.2012. This effectively meant that actual amount paid to such retired



people on re-engagement works out to be higher with respect to simply “last pay drawn minus pension”

5.0. Even though the new rates were applicable from 27.09.2012, the respondents notified these new rates sometime in 2015. At that time it was also decided that such higher rates shall be applicable in respect of those people only who were still re-engaged and not to those whose reengagement period came to a close between 27.09.2012 and date of notification in 2015. Since the applicants were already disengaged, they were not paid the arrears for such higher rates for period 27.09.2012 onwards.

6.0. Matter has been heard. Shri K L Manhas, learned counsel appeared for applicants and Shri Rajeev Sharma, learned counsel appeared for respondents.

7.0. The Tribunal finds force in the arguments of the applicants since certain higher rates were applicable in the respondents-organization for those who were re-engaged after retirement during the period after 27.09.2012. There is no reason not to pay the same rate to the applicants also, who were also retired and were re-engaged and had worked for some period after 27.09.2012. The parity also dictates so.



8.0. In view of the foregoing, respondents are directed to work out the arrears and pay the same within a period of three months. These arrears shall not carry any interest.

9.0. O.A is disposed off. No costs.

(Pradeep Kumar)
Member (A)

(Justice Mrs. Vijay Lakshmi)
Member (J)

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