

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.3199/2001
MA No.2632/2001

New Delhi, this the 27th day of the November 2001

HON'BLE MR. V.K. MAJOTRA, MEMBER (A)

- 1.. R.Srinivasan
S/o Shri N. Raghavachari.
 - 2.. P.V. Vaitheeswaran
S/o Shri P.V. Viswanathan.
 - 3.. Parandur Kadambir Srinivasan
S/o Shri Parandur Bhashyam
 - 4.. R. Balasubramanian
S/o Shri V. Raghunatha Iyer
 - 5.. M.C. Das
S/o Shri M. Parankusa Das
 - 6.. Siripurapu Hariprasad Babu
S/o late Shri Venkata Subbayya.
 - 7.. I.D. Amin
S/o Shri D.T. Amin
 - 8.. K. Subrahmanyam
S/o Shri K.C. Krishnamoorthy Iyer.
 - 9.. R. Narashimhan
S/o late Justice Shri N.R. Ayyangar.
 - 10.. M.H. Balakrishnan
S/o Shri M.K. Hariharan.
 - 11.. Raj Kumar Shukla
s/o Late Shri B.K. Shukla
 - 12.. V. Ramasamy
S/o Shri R. Venkateswar
 - 13.. Tej-Singh Vardya
S/o Shri B.L. Vardya.
 - 14.. Satyender Nath
S/o Shri J.N. Mahent.
 - 15.. Mrs. Sheila Slingh
Widow of Late Shri B.P. Singh
Principal Railway staff college Vadordara.
- Applicants
- (By Advocate: Mrs. Meenu Mainee)

V E R S U S

Union of India : Through
1.. The Secretary,
Ministry of Railway,
(Railway Board)
New Delhi.

2. Secretary,
Ministry of Personnel,
Public Grievances & Pensions,
Department of Pension & Pensioners Welfare,
New Delhi.

... Respondents

ORDER (ORAL)

Mrs. Meenu Mainee, learned counsel for the applicants heard.

2. Applicants, 15 in number, have filed MA 2632/2001 for leave to file the single petition on the ground that they have the common cause of action and common relief. MA is allowed.

3. Applicants 1 to 14 *are* all General Managers in the Northern Railways while applicant No.15 Mrs. Sheila Singh is the widow of Shri B.P. Singh, Principal, Railway Staff College Vadordara. Applicants 1 to 14 and deceased employee, i.e., husband of applicant No.15 retired prior to 1.1.1996 with effect from which date the recommendations of the Vth Central Pay Commission (in short 'Vth CPC') were implemented. Their pension was required to be fixed in terms of Railway Board's letter dated 15.1.1999 (Annexure A-2) followed by the provisions made by the Railway Board in their letter of 30.6.1999 (Annexure A-3) and their letter dated 9.9.1999 (Annexure A-4). The underlying principle in these letters is that w.e.f. 1.1.1996, the pension of all the pensioners irrespective of the date of their retirement shall not be less than 50 per cent of the minimum of pay in the revised scale of pay introduced from 1.1.1996 in

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the post last held by the applicants/deceased railway servant. The learned counsel contended that instead of the aforesaid principle and without affording opportunity to the applicants to state their case, the Railway Board by the impugned order at Annexure A-1 have laid down entirely different principle for determination of pension as follows:-

"In view of the position emerging out of Board's letter dated 20.8.2001, as enumerated in para 1 above; for stepping up of pension/family pension as on 1.1.1996 of the pre 1996 retired/deceased Railway servants, the scale of pay introduced w.e.f. 1.1.1996 should be the one that corresponds to the scale of pay held by the Railway servants at the time of retirement/death while in service and not the higher replacement scale of pay introduced w.e.f. 1.1.1996 or thereafter. In all cases where the pension and family pension have been stepped upto 50% and 30% respectively of the minimum pay in the higher replacement scale of pay in terms of of Board's letter dated 9.9.1999, immediate action should be taken to revise the same with reference to the minimum of the corresponding scale of pay as on 1.1.1996, for the scale of pay held by the Railway servant at the time of retirement/death while in service."

4. Mrs. Meenu Mainee, learned counsel for the applicants stated that the applicants have not made any formal representation to the respondents in view of the urgency for adjudication, as the respondents are seeking to effect recoveries from the applicants.

5. Learned counsel also brought to my attention the order dated 30.10.2001 in OA No.2962/2001 in the case of Shri Y.B.L. Mathur and Ors. Vs. Union of India and Ans. (Annexure A-6) in which on identical facts and

circumstances, the matter therein was disposed of with the following observations/directions to the respondents:-

"6. In this view of the matter and having regard to the peculiar circumstances of the case, we find that the interest of justice will be duly met in the instant case by disposing of the OA at this very stage even without issuing notices with a direction to the respondent-authority to consider the present OA as a representation and to decide the same as expeditiously as possible and in any event within a period of three months from the date of receipt of a copy of this order by passing a reasoned and speaking order. Meanwhile, during the aforesaid period of three months, the recoveries proposed to be made in terms of para 3 of the Railway Board's letter dated 1.10.2001 will remain stayed. Similarly, reductions proposed to be made from the amount of pension otherwise payable to the applicants will also remain stayed during the same period.

7. The present OA is disposed of in the aforestated terms at the admission stage itself. No costs.

8. Registry is directed to send a copy of the OA along with this order to the respondents."

6. Having regard to the above, in my considered view, in the present matter also the interest of justice will be duly met by disposing of this OA at this stage, even without issuing notices, with a direction to the respondents to consider this OA as a representation and to decide the same as expeditiously as possible and in any event within a period of three months from the date of communication of these orders by passing a reasoned and speaking order.

7. In the meanwhile the recoveries proposed to be made in terms of paragraph 3 of Annexure A-1 shall

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remain stayed, as also reduction proposed to be made from the amount of pension otherwise payable to the applicants shall also remain stayed during the said period.

8.. This OA is disposed of in the aforestated terms at the admission stage itself.

9.. Registry is directed to send a copy of the OA along with this order to the respondents.

V.K. Majotra
(V.K. MAJOTRA) 27-11-2001
MEMBER (A)

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