

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-2630/96

New Delhi this the 12th day of September, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Sh. G.S. Chaman,
S/o late Sh. Ganda Ram,
R/o Flat No. A4E, DDA Flats,
Munirka, New Delhi. Applicant

(Applicant in person)

versus

1. Union of India through
the Secretary, Ministry of
Personnel, Public Grievances
and Pensions (Deptt of Pension
and Pensioners Welfare),
New Delhi.
2. Director, Intelligence Bureau,
Ministry of Home Affairs,
Govt. of India, New Delhi. Respondents

(through Sh. KCD Gangwani, advocate)

ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

This matter was argued earlier before
Single Member Bench and in view of the fact that it
relates to ceiling of gratuity, it was posted before
Division Bench for appropriate orders.

The applicant in this case is challenging
the wisdom of determining the cut-off date as 1.4.95
for the purpose of payment on enhanced gratuity. The
contention of the applicant is that the date fixed
for eligibility to draw enhanced gratuity is
arbitrary and without any reasonable basis.
According to him the cut-off date should have been
1.7.93, the date on which the D.A. was neutralised.

It is also relevant to mention that the applicant superannuated on 30.04.94. The cut-off date being 1.4.95, has therefore, directly hit him and deprived him to get the benefit of the enhanced gratuity as far as the applicant is concerned.

After notice the respondents have filed the reply stating that the decision to grant additional gratuity depends upon various factors and it is a policy matter, and 1.4.95 being the beginning of the financial year, the Government took a decision on the basis of financial implication and other such factors involved while making a policy decision of this nature.

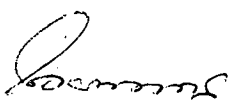
We are not equipped with the data necessary to review such a policy decision nor is there any averment to that effect which warrants a review of such determination of a cut-off date.


The applicant also argued that in view of the decision of the Hon'ble Supreme Court in Nakara's case as well as V.P. Gupta's case, the pensioner shall be treated as a single class and while determining a cut-off date, they shall not be discriminated in any manner. We find it difficult to accpet this argument for the reason that the pensioner becomes a class as and when the particular pensioner retires and join that particular class and the cut-off date will obviously affect adversely

g

against those people who retires prior to the said date. In the absence of retrospective application of the order wherein the respondents have decided to pay enhanced gratuity, with a determined cut-off date i.e. 1.4.95 based on certain criteria, we are unable to give any relief especially in the absence of any pleading showing contrary date that warrants our interference.

With the aforesaid observations, this O.A. is disposed of. No costs.


(S.P. Biswas)
Member(A)


(Dr. Jose P. Verghese)
Vice-Chairman(J)

/vv/