

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.1083/2000

New Delhi this the 9th day of February, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

Sh. B. R. Agnihotri,
S/o Sh. Ram Chand Agnihotri,
resident of 66 East End Enclave,
Delhi-110092

..Applicant

(Present in person)

VERSUS

1. Comptroller and Auditor General of
India, 10, Bahadur Shah Zafar Marg,
New Delhi.

2. The Secretary, Deptt. of Pension and
Pensioners' Welfare, Loknayak Bhawan
Khan Market, New Delhi-3

..Respondents

(None for the respondents)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

The applicant who has retired from service of the respondents on superannuation w.e.f. 31.12.1981 is aggrieved by the order passed by the respondents dated 31.8.1999 (Annexure A.1).

2. We have heard him and perused the documents on record as none has appeared for the respondents even on the second call. The applicant has contended that the respondents have wrongfully and arbitrarily reduced his pension by relying on the Office Memo issued by them dated 19.3.1999 (Annexure A 4). In this Memo, certain clarifications have been issued with regard to the implementation of the Central Civil Services (Revised Pay) Rules, 1986. Applicant's claims is that in calculating the

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pension, stagnation increment as well as special pay should be included as he is a pre-1986 retiree. His grievance is that this has not been done for which he had made a representation by letter dated 26.6.1999, which has been rejected by the respondents by the impugned letter. In this letter, the respondents have stated ,inter alia, that his request for counting of special pay cannot be agreed to as per the relevant rules and instructions. We note that in the OM dated 19.3.1999, the respondents have clarified that stagnation increment will not be taken into account while fixing notional pay as on 1.1.1986. Similarly, the special pay was also excluded while fixing notional pay.

3. At the time of hearing, the applicant has drawn our attention to the OM 45/86/97-P&PW(A) issued by the Govt.of India, Ministry of Personnel,Public Grievances and Pensions, Department of Pension and Pensioners Welfare dated 19.12.2000, copy placed on record. In this O.M., it has been stated that after they have received a number of representations regarding the treatment of stagnation increment and special pay etc.while fixing notional pay as on 1.1.1986 for calculation of pension in terms of the orders mentioned therein, and after re-consideration of the matter, it has been stated that in supersession of this Deptts.O.M.dated 19.3.1999, further clarifications on the question of inclusion /exclusion stagnation increment and special pay have been given in this OM. This OA has been filed on 1.6.2000 and the subject matter and issues in the present case are covered in the latest clarificatory order dated 19.12.2000.

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4. In the facts and circumstances of the case, the OA is disposed of with the following directions:-

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(i) Respondents 1 and 2 are directed to reconsider the case of the applicant treating this OA as his representation and take an appropriate decision with regard to his claims for including stagnation increments and special pay, while re-fixing his pension as a pre-1986 retiree. They shall pass a reasoned and speaking order taking into account the aforesaid clarifications issued on 19.12.2000 as expeditiously as possible and in any case within one month from the date of receipt of a copy of this order with intimation to the applicant.

(ii) In view of the fact that the applicant has retired from service as far back as 1981, any amounts due to him as a result of the aforesaid decision shall be arranged to be paid to him immediately, and in any case, within one month of that decision.

No order as to costs.

(Govindan S.Tampi)
Member(A)

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)
Vice Chairman(J)

/sk/