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**Central Administrative Tribunal
Principal Bench**

OA No. 1978/2000

New Delhi, this the 28th day of November, 2005

Hon'ble Mr. Shanker Raju, Member (J)

Nathoo Ram Pali
s/o late Sh. Pati Ram,
R/o 3842, Shanti Mohalla,
Gali No. 12, Gandhi Nagar,
Delhi – 110 031.

...Applicant

(By Advocate: Shri Yogesh Sharma)

-versus-

Union of India through

1. Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi.
2. The Asstt. Controller of Accounts,
Pay & Accounts Office,
Doordarshan, Suchna Bhawan,
M/o I&B, CGO Complex,
New Delhi. ...Respondents

(By Advocate: Shri Rajeev Sharma)

ORDER (ORAL)

By virtue of the present Original Application, applicant has sought the following reliefs:

"(i) That the Hon'ble Tribunal may graciously be pleased to pass an order of allowing the OA of the applicant with the costs of litigation.

(ii) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to fix the

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pension of the applicant on revised pension of Rs. 1438/- p.m. as per the order dated 22.6.1998.

(iii) That the Hon'ble Tribunal may further graciously be pleased to pass an order of quashing the impugned order dt. 3.2.99 (Annex.A/1) declaring to the effect that the same is illegal and consequently the applicant is entitled for his pension of Rs. 4337/- p.m. w.e.f. 1.1.1996 with the arrears of difference of pension with 18% interest."

2. Applicant, who stood retired on superannuation on 31.08.1984, is being aggrieved by an action of the respondents whereby his pension has been wrongly fixed.

3. Learned counsel for the applicant Shri Yogesh Sharma would contend that as per Department of Pension and Pension Welfare's OM dated 10.02.1998 laying down revision of pension of pre 1.1.1986 pensioners, it is decided that, in the wake of recommendations of 5th CPC, pension of pre 1986 retirees be revised by notional fixation of their pay as on 1.1.1986 adopting the same formula as for serving employees and they would be treated to have retired on or after 1.1.1986. Accordingly pay of those government servants who retired prior to 1.1.1986 and were in receipt of pension on the same date as well as persons having accorded family pension before 1.1.1986 would be fixed on notional basis in the revised scale of pay for the post held by the pensioner at the time of retirement.

4. In the above light, by referring to Govt. of India, Office of Director, Doordarshan Kendra's order dated



28.5.1996, it is stated that whereas from 1.1.1986 the applicant pay was fixed in the scale of Rs. 2000-3200/- but the pension has been accorded on un-revised pay, which is not in consonance with the decision of the Government and, therefore, the O.A. deserves to be allowed.

5. On the other hand, respondents' counsel Shri Rajeev Sharma, opposed the contentions and stated that last pay drawn at the time of retirement of the applicant was Rs. 2480/- and as per 50% of the average emoluments being the criteria to fix the notional pay and pension thereof, the amount comes to Rs. 1240/- and as per Revision Table of Pension, the pension comes to Rs. 3746/-. Accordingly, the applicant has been rightly accorded the benefit.

6. On careful consideration of the rival contentions of the parties, I find that the calculation of pension by the respondents have been done on the basis of notional fixation in the scale of Rs. 1640-2900/- in the worksheet of revised pension issued by the Pay & Accounts Office.

7. In the light of OM dated 10.02.1988 ibid, the notional fixation of pay should have been fixed on the basis of revised scale of pay as on 1.1.1986 and if the revised pay scale was Rs. 2000-3200/-, the notional pay fixation for revision of pension should have been on that basis. The respondents have wrongly arrived at the figure of Rs. 1240/- in the old scale, which is not permissible in law.

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8. In the result, the applicant's revision of pension and fixation thereof should have to be done as per the revised pay scale of Rs. 2000-3200/- as on 1.1.1986 and the pension is to be re-calculated by the respondents. As a result thereof, the difference of pension shall be accorded to the applicant with a simple interest of 6% per annum till its payment due from 1.1.1996, within a period of two months from the date of receipt of a copy of this order.

9. Original Application is accordingly disposed of.


(Shanker Raju)
Member (J)

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