OA NO. 808/2000

This the 29th day of January, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

T.R.Narsimhan
S/o Late T.A. Rangaswamy Iyengar
L2/100A, DDA Flats,
Kalkaji, New Delhi-110019.

(None).

Versus

1. Controller of Defence Accounts,
   Southern Command,
   Pune-411001.

2. Controller General of Defence Accounts,
   West Block-V, R.K.Puram,
   New Delhi-110066.

3. Additional Secretary,
   Govt. of India,
   Ministry of Personnel, Public
   Grievances and Pensions,
   Department of Pension and Pensioners' Welfare,
   Khan Market,
   New Delhi-110003.

4. Secretary,
   Ministry of Finance,
   Department of Expenditure,
   North Block,
   New Delhi-110001.

(By Advocate: Sh. S.M.Arif)

O R D E R

Applicant in this case has impugned office memorandum dated 19.3.99 vide which certain clarifications regarding implementation of Govts. decision on the recommendation of Vth Central Pay Commission revision of pension - pre 1986 pensioners. Applicant is a pre-1986 retiree having retired from his service on 31.8.81 while he was working on deputation in some other department. While he was working on deputation as Dy. Director of Accounts (Fertiliser) in the Ministry of Agriculture whereas his parent office is Controller of Defence Accounts, Southern Command, Pune. Post of Dy. Director of Accounts which the applicant was holding at the time of
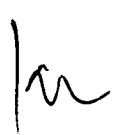
retirement carried the scale of Rs.1100-50-1600 applicant had drawn deputation allowance as 20% on the pay of Rs.1200/- i.e. Rs.240/- from 19.11.79. On his retirement, his pension was initially fixed at Rs.700/- p.m. (taking into account deputation allowance). Pay of Rs.1200/- and dearness pay of Rs.243/- which was finally fixed at Rs.799 p.m. after taking into account the deputation allowance. After the IVth CPC came into force his pension was revised w.e.f. 1.1.96 at Rs.1505/-.

2. Applicant has a grievance that Vth CPC recommended that notional pay of pre-86 be refixed in the 1986 pay scales and notional pay be taken as the basis for updating the pension as on 1.1.96. The recommendation is stated to have been accepted by the Govt. Applicant further submits that the DOPT issued orders for implementation of a decision vide their letter dated 10.2.98 (Annexure A-14). Accordingly, the applicant submitted his proforma but the applicant apprehended that the DOPT will apply revised definition of emoluments after 11.12.95 vide Rule 33 of RPR 1972 as amended w.e.f. 1.1.86 to all pre-86 period also and nor it will grant stagnation benefits. So he filed this OA seeking the relief that his pension should be revised by adding deputation allowance as well as the amounts on stagnation.
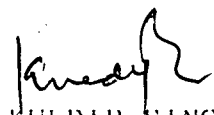
3. Respondents are contesting the OA. Respondents pleaded in their reply that as per the amended definition of the emoluments and as per Govt. of India's decision dated 20.7.92 of CCS (Pension) Rules, 1972 which stipulated that deputation allowance, personal pay and special pay does not amount for

calculation of various retirement benefits. So it is submitted that applicant is not entitled to count deputation allowance now.

4.   I have heard the learned counsel for the respondents as none had appeared for the applicant. Since the definition of emoluments have been amended by Rule 33 of CCS (Pension) Rules and it has been decided that the deputation allowance, personal pay and special pay shall not be included. So the plea of the applicant for the deputation allowance, which was earlier included should be allowed to be continued, does not have any force. Similarly, the Govt. of India, Ministry of Personnel have also issued a clarification that no stagnation over and above the pay fixed on notional basis as on 1.1.86 since the applicant had retired some time in 1981 and his notional pay has been fixed for purposes of pension as on 1.1.86 so there was no question of stagnation increment to be admissible over and above the pay fixed on notional basis. Hence, I find that OA has no merits and the same is liable to be dismissed. Accordingly, OA is dismissed.

(KULDIP SINGH)
Member (J)

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