



CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

Chandigarh, this the 18th day of November, 2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

(I) MA No. 060/1219/2020 in
O.A. No. 060/842/2018

Sucha Singh son of Shri Ujagar Singh, aged 73 years, Assistant Superintendent of Post Offices Group-C (Retired) resident of #70, Panch Rattan Colony Post Office, P.A.P. Lines, Jalandhar-144 006.

...Applicant

(By Advocate: Mr. Manohar Lal)

Versus

1. Union of India through Secretary, Ministry of Communications, Department of Posts, Dak Bhawan, New Delhi – 110 001.
2. Secretary, Ministry of Personnel, P.G. and Pensions, Department of Pension and Pensioner's Welfare, 3rd Floor, Lok Nayak Bhawan, Khan Market, New Delhi – 110 001.
3. Secretary, Ministry of Finance, Department of Expenditure (Implementation Cell), North Block, New Delhi – 110 001.
4. Principal Post Master General, Punjab Circle, Chandigarh-160 017.

... Respondents

(By Advocate: Mr. K.K. Thakur)

(II) MA No. 060/1243/2020 in

O.A. No. 060/843/2018



Bishan Dass Mahey son of Shri Mehnga Ram, aged 74 years, Assistant Superintendent of Post Offices Group 'C' (Retired), resident of # 238/4, Kot Ram Dass, P.O. Chogitti, Jalandhar City – 144 001.

...Applicant

(By Advocate: Mr. Manohar Lal)

Versus

1. Union of India through Secretary, Ministry of Communications, Department of Posts, Dak Bhawan, New Delhi – 110 001.
2. Secretary, Ministry of Personnel, P.G. and Pensions, Department of Pension and Pensioner's Welfare, 3rd Floor, Lok Nayak Bhawan, Khan Market, New Delhi – 110 001.
3. Secretary, Ministry of Finance, Department of Expenditure (Implementation Cell), North Block, New Delhi – 110 001.
4. Principal Post Master General, Punjab Circle, Chandigarh-160 017.

... Respondents

(By Advocate: Mr. K.K. Thakur)

O R D E R (Oral)

SANJEEV KAUSHIK, (Member) (J):

1. The present MAs have been filed for preponement of date of hearing of the case from 22.12.2020 to some early date on the ground that identical issue has been decided by Hon'ble Supreme Court in All Manipur Pensioners Association by its Secretary Vs. State of Manipur & Ors., 2019(3) SCT, 535 and prior to that a



Notification has also been issued by Ministry of Finance, Department of Expenditure on 25.07.2016 where those who were getting Grade Pay of Rs. 4600 have been granted Grade Pay of Rs. 4800 w.e.f. 01.01.2016 in the Department of Posts to a specific post of Assistant Superintendent (Posts).

2. Notice to the other side.

3. Sh. K.K. Thakur, Advocate, appears and accepts notice on behalf of the respondents.

4. Learned counsel for the applicants argues that these petitions can be disposed of as part relief has already been granted and for remaining, the respondents can be directed to consider their claim based on the Notification issued in 2016 and the judgement by the Hon'ble Supreme Court indicated above.

5. In view of the above, the present MAs are allowed and the date of hearing of the main cases is preponed to today.

6. Both the matters are taken up together as identical facts and question of law are involved. For convenience, the facts are taken out from the case of Sucha Singh vs. UOI & Ors.



7. The applicants have filed the present petition claiming the following relief(s);-

- (i) Respondents' letter dated 31.10.2014 (Annexure A-1), 22.04.2015 (Annexure A-2) and dated 17.11.2016 (Annexure A-3) be quashed and set aside being illegal, arbitrary and discriminatory offending Articles 14 and 16 of the Constitution of India.
- (ii) Directions be issued to the respondents that the pay/pension of the applicant fixed vide letters dated 01.10.2013 (Annexure A-4) and dated 20.11.2017 (Annexure A-5) may be revised with reference to Grade Pay of Rs. 4600/- with effect from 01.01.2006 and Grade Pay of Rs. 4800/- with effect from 01.01.2016 in terms of OMs/Circulars issued by the Government from time to time in favour of the working employees of the Cadre of Assistant Superintendents of Post Offices, and make the payment of arrears and 12% interest for delayed payments.

8. It is argued by Mr. Manohar Lal that pending OA, the first relief which the applicant is claiming for grant of Grade Pay of Rs. 4600/- w.e.f. 01.01.2006, has already been granted and for subsequent relief for grant of Grade Pay of Rs. 4800/- w.e.f. 01.01.2016, he placed reliance on the Notification dated 25.07.2016 whereby the post held by the applicants i.e. Assistant Superintendents (Posts) in the Grade Pay of Rs. 4600/- has been granted the Grade Pay of Rs. 4800/-. He also placed reliance upon the judgement passed by the Hon'ble Supreme Court in All Manipur Pensioners



Association (supra) and argues that in concluding para No. 9, the Lordships have held that all pensioners, irrespective of their date of retirement, viz. pre-1996 retirees shall be entitled to revision in pension at par with those pensioners who retired post-1996. Thus learned counsel prays that these petitions be disposed of qua second relief by directing the respondents to consider the case of the applicants in the light of the aforesaid facts.

9. Sh. Thakur, learned counsel for the respondents does not dispute and he prays that respondents be granted at least three months' time so that they can reconsider the claim of the applicants based on judicial pronouncement and the Notification issued by Ministry of Finance.

10. In view of the above, the present petitions are disposed of by directing the respondents to consider the second relief of the applicants for grant of Grade Pay of Rs. 4800 w.e.f. 01.01.2016 in the light of the observations made hereinabove. This exercise must be carried out within a period of three months from the date of receipt of a certified copy of this order. If the applicants are held entitled to the grant of benefits, the



same should be extended to them, otherwise, a reasoned order dealing with the Notification and judgement cited by the applicants be passed and communicated to them. While passing such order, the respondents are also directed to consider the fact that some of the similarly placed persons have already been granted Grade Pay of Rs. 4800/- w.e.f. 01.01.2016 vide order dated 17.11.2017.

11. Both the OAs stand disposed of accordingly. No costs. A copy of this order be kept in the connected file.

i

(Sanjeev Kaushik)
Member (J)

Place: Chandigarh
Dated: 18.11.2020
ND*