

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00090/2021

HYDERABAD, this the 11th day of February, 2021



**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**

R.K.Mistry S/o Sri B.D.Mistry,
Age about 65 years,
Occ : Retired SO/H+ from NFC,
R/o Flat No.303, Jyothi Ambience,
Srinivas Nagar, Kapra, ECIL Post,
Hyderabad – 500062.

...Applicant

(By Advocate : Mrs. Anita Swain)

Vs.

1. The Union of India Rep by its Secretary,
Department of Atomic Energy, Anushakti Bhavan,
CSM Marg, Mumbai 400001.

2. The Chief Executive, Nuclear Fuel Complex,
Department of Atomic Energy, ECIL Po
Hyderabad – 500062.

....Respondents

(By Advocate : Mr. V. Vinod Kumar, Sr. CGSC)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:

2. The OA is filed by the applicant for a direction to the 1st respondent to re-fix and revise his pension and terminal benefits by treating the special pay Rs.4000/- as part of the pay for the said purpose w.e.f. 01.01.2016.

3. Brief facts of the case are that the applicant was appointed as Scientific Officer (SO) in the respondents organization and over the years, he was promoted as SO/H+ in 2012. He was given special pay of Rs.4000 from 01.07.2012. Applicant retired on 1.1.2016 and the special pay was not considered for pension despite the orders of the Hon'ble Apex Court on the subject, stating that only pre-2016 pensioners are eligible for the special pay in working out the pension. Applicant preferred several representations from August 2019 till 2021 and on 25.1.2021 it was informed that the matter is under consideration by the competent authority. Aggrieved over the non revision of the pension of the applicant, the OA is filed.

4. The action of the respondents in not treating likes as alike is against law. There has been invidious discrimination of the applicant. The order of the Hon'ble Apex Court on the issue has been violated. Pay includes special pay granted and the pension has to be accordingly revised. Action of the respondents is violative of Articles 14 & 16 of the Constitution of India.

5. Heard both the counsel and perused the pleadings on record.

6. I. The dispute is in regard to considering the special pay of Rs.4000 granted to the applicant on his promotion as SO/H+ while working

out the pension on superannuation. Applicant claims that he is entitled for the special pay based on the Presidential order dated 3.2.1999 and that respondents filed as many as 51 SLPs against orders of different Benches of this Tribunal and the Hon'ble High Courts granting suitable relief sought and the same were dismissed in Civil Appeal No.12040/2018 and batch on 3.1.2019. To the several representations made, respondent replied on 25.1.2021 that the matter is under consideration by the competent authority. Applicant is aggrieved that he is being given a reply after 5 years of his retirement and that the pension is not revised.

II. Considering the fact that the applicant has retired in 2016 and 5 years have lapsed since his retirement, we are of the view, that the ends of justice would be met, if an early decision is taken by the respondents, by keeping in view the dismissal of the Civil Appeals referred to. Therefore, we direct the respondents to take a decision in the matter under dispute, as per rules/law, within 3 months from the date of receipt of this order and the applicant be accordingly informed.

III. With the above direction, the OA is disposed of, at the admission stage, without going into the merits of the case. No Costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

evr