

RESERVED:

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

THIS THE 28 DAY OF JULY, 2006
Original Application No. 604 of 2004

CORAM:

HON.MR.JUSTICE KHEM KARAN,V.C.

1. Mahendra Nath Shukla , son of
Late Shiv Narain Shukla, R/o
15/84, Civil Lines,
Kanpur.
2. Shyam Sundar Jauhari
resident of Sharda Niwas,
115/453, Pandu Nagar,
Kanpur.

.. Applicants

(By Adv: Shri R.P. Tiwari)

Versuzs

1. Union of India through the Secretary
Defence Production, Ministry of
New Delhi.
2. Chairman, Ordnance Factories,
Director General Ordnance Factories
Calcutta.
3. Addl.Director General, Ordnance
Factories, H.Qr, G.T.Road,
Kanpur.
4. Principal Controller Defence Accounts(Pensions)
Allahabad Draupati Ghat, Allahabad.

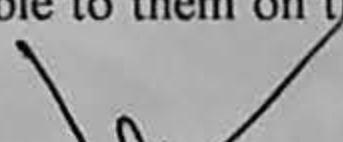
.. Respondents.

(By Adv: Shri Saumitra Singh)

O R D E R

JUSTICE KHEM KARAN,V.C.

Admittedly, the applicants are pre-86 retirees. After the Vth Pay Commission their pension was enhanced to Rs.12,025/- a month but on the basis of subsequent PPO dated 27.4.04 (Annexure-1) it was reduced to Rs.11,200/-, without disclosing to them as to why it was being done or without giving them any show cause notice. They have filed this OA for quashing the said amended PPO dated 27.4.04 issued by respondent no.4 and for commanding the respondents not to implement the said PPO dated 27.4.04 nor to make any deductions on the basis of there of from the pension payable to them on the basis of earlier PPO.

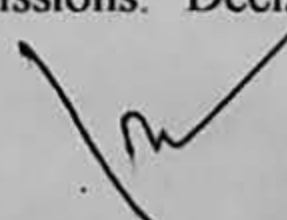


2. The respondents have not filed any reply in spite of adequate opportunity having been given to them. The Tribunal has heard Shri R.P. Tiwari appearing for the applicant and Shri Saumitra Singh for the respondents.

3. Relying on decision dated 14.3.06 of this Tribunal in OA No.984/04 R.Sundaram & Ors Vs. Union of India and Ors and other connected OAs. Shri Tiwari has contended that the case in hand, is squarely covered by the said decision where it has been held that there can be no down-ward revision of the pension in view of Rule 70 of CCS (Pension) Rules, 1972. A perusal of the said judgment dated 14.3.06 reveals that the learned Member of this Tribunal referred to various decisions including the decision dated 29.4.05 of Bangalore Bench in OA No.504/05 S.R.Rajagopala & Ors Vs. defence Pension disbursing officer & ors and other connected OAs, decision of the Apex court in Sahib Ram Vs. State of Haryana (1995) Supp. (1) SCC pg-18, decision dated 8.6.05 of Bangalore Bench in OA No. 706/04 and decision of the Principal bench in OA No.2863/04 and thereafter ruled that pension of the applicants named therein could not be reduced except on the ground that earlier revision was faulty owing to any clerical error. He was of the view that since the impugned revision of pension was not owing to any clerical error and since no show cause notice was given to the pensioners so was not sustainable in law.

4. On the other hand, Shri Sauamitra Singh relying on order dated 29.4.05 of Bangalore Bench in 'S.R. Rajagopala & Ors case (Supra) and decision dated 8.6.05 of the same Bench in S.Aswatha Narayana Rao Vs. Union of India, OA No. 706/04, has tried to say that the respondents have every right to revise the pension and correct their earlier mistake in fixing the revised pension. Shri Singh has contended that since the impugned revision provided in order dated 27.4.04 was based on subsequent change in the pay scale of the post earlier held by the applicants, so the respondents were well within their rights in issuing the corrigendum of 2004.

5. I have carefully perused the judgments cited by the learned counsel for the parties in support of their respective submissions. Decision cited



by Shri Saumitra Singh had been taken into consideration by this Bench in its decision dated 14.3.06 in OA No.984/04 and other connected OAs. The learned Member ('Hon'ble K.B.S.Rajan') has discussed the matter quite at length and I find no justification to take a different view. The grounds taken by him need not be repeated here again. For the same reasons this OA is also allowed and the impugned corrigendum of 2004 is hereby quashed with costs to the applicants which is quantified at Rs.2000/- to each of them.

[Signature]
28.7.2006
VICE CHAIRMAN

Dated: July 28, 2006
Uv/