

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/365/2015

HYDERABAD, this the 6th day of April, 2021

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



G. Penchala Rao, S/o. G.V. Subba Rao,
Aged about 65 years, Retd. Senior Clerk,
O/o. The Deputy Welfare Commissioner,
Labour Welfare Organisation,
No.8/2-A, St. Thomas Road,
High Grounds, Tirunalveli - 627 011,
Tamil Nadu State, R/o. Flat No.108,
Sathavahana, R.V. Avanindra Apartments,
Miyapur, Hyderabad - 49.

...Applicant

(By Advocate : Sri KRKV. Prasad)

Vs.

1. Union of the India rep. by
The Secretary, Ministry of Labour & Employment,
Jaisalmer House, New Delhi ó 110 011.
2. The Director General (Labour Welfare),
Ministry of Labour, Government of India,
Jaisalmer House, Man Singh Road, New Delhi -11.
3. The Welfare Commissioner, Government of India,
Ministry of Labour, Labour Welfare Organization,
Kendriya Sadan, Sultan Bazar, Hyderabad ó 500 095.
4. The Welfare Commissioner, Ministry of Labour,
8/2-A, ST. Thomas Road, High Grounds,
Tirunalveli-11, Tamil Nadu.
5. The Pay and Accounts Officer,
Government of India, Ministry of Labour,
DGE&T-II, CTI Campus, Guindy,
Chennai ó 600 032.

... Respondents

(By Advocate: Smt K. Rajitha, Sr. CGSC
for Smt. B. Gayatri Varma,
Sr. PC for CG)

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

Through Video Conferencing:



2. The O.A. is filed against the action of the respondents in issuing Pension Payment Order dated 9.10.2009 showing the pay of the applicant as Rs.17,220/- instead of Rs.20,440/- by allowing Grade Pay of Rs.4600/- w.e.f. 01.01.2006, duly drawing increment on 01.07.2006 and allowing GP of Rs.4800/- w.e.f. 01.09.2008 with the inter-se fixations of pay from time to time duly releasing the arrears and the pensionary benefits at the time of retirement i.e. on 31.3.2009 in terms of the fixation to be done on the said lines and also against the action of issuing proceedings No.2(19)A.1/2014 dated 02.03.2015.

3. The brief facts of the case are that the applicant retired from service from the respondent's organization on 31.3.2009 as Deputy Welfare Commissioner. The pay of the applicant was reduced without issuing notice from Rs.17,950/- to Rs.17,220/-. Based on the reduced pay, the Pension Payment Order was issued. The revision of the pension was taken up on 27.7.2009 and the recovery of the over payments made during the period from 01.01.2006 to 31.03.2009 was ordered. The applicant, aggrieved over the same, represented on 20.11.2009. Based on the said representation, partial relief was granted, restoring two increments, which were wrongly withheld. Thereafter, the applicant made another representation on 19.12.2010 and before the representation could be disposed of, the

respondents granted the Grade Pay of Rs.4800/- w.e.f. 1.9.2008. However, they have not issued the proceedings relating to the grant of Grade Pay of Rs.4600/-. Noting the above, the applicant represented on 22.2.2014 to grant the Grade Pay of Rs.4600/- w.e.f. 1.1.2006 as per O.M. dated 16.11.2009. The 3rd respondent referred the case of the applicant to the 4th respondent, by enclosing the Service Register of the applicant on 2.3.2015. Aggrieved over the reduction of pay/pension, the applicant has filed the present O.A.



4. The contentions of the applicant are that the pay was reduced without issuing any notice. The respondents have not issued proceedings granting the Grade Pay of Rs.4600/-. On repeated representations, the pay was partially restored but not fully. The decision of the respondents has caused severe monetary loss to the applicant and such a decision is violative of Articles 14 & 16 of the Constitution. Besides, it is illegal and arbitrary. In fact, the 3rd respondent has kept the issue pending for a long time and thereafter referred it to the 4th respondent causing further delay in regard to the relief sought.

5. The respondents in their reply statement stated that the Hyderabad Region of the respondent's organization is bifurcated into Tirunelveli & Hyderabad Regions on 06.01.2014. The issues raised by the applicant are in the purview of the Welfare Commissioner, Tirunelveli. However, the Welfare Commissioner of Hyderabad states that the pay of the applicant was fixed as per O.M. dated 16.11.2009 of the Ministry of Finance. The said Memo



states that the Grade Pay of Rs.4600/- has to be granted to posts in PB-2 that existed in the pre-revised scale of RS.6500-10500/- as on 1.1.2006, which were granted normal replacement pay structure of Rs.4200/- in PB-2. The reason for issuance of such an order is that there is direct recruitment to the said post through All India competitive examination. The pay of the applicant was rectified on 19.01.2016 based on an audit objection raised on 23.4.2012. The applicant has retired from Tirunelveli Region and the Welfare Commissioner, Hyderabad ceases to be the controlling officer of the applicant.

6. Heard Sri KRKV Prasad, learned counsel for the applicant and Smt. K. Rajitha representing Smt. B. Gayatri Varma, learned Senior Panel Counsel and perused the pleadings on record.

7 (I) The dispute is about reduction of pay/ pension of the applicant, resulting in recovery from the pay/pension of the applicant. The applicant states that the respondents have reduced his pay/ pension without any notice. Besides, they have not granted the Grade Pay of Rs.4600/- as 2nd MACP for which, he is eligible. Though he has represented several times, the 3rd respondent has forwarded his case to the 4th respondent, causing further delay in resolving his grievance. The respondents, in response, state that the revision was done based on an audit objection dated 23.4.2012. Besides, they also state that it was done based on the O.M. dated 16.11.2009 of the Ministry of Finance. However, the Welfare Commissioner, Hyderabad, who filed reply statement, states that

since he is not the controlling officer of the applicant and that the applicant has retired from Tirunelveli Region, the details of the applicant are not available with him. We are surprised at this response since it is the responsibility of the Welfare Commissioner to obtain the details from Tirunelveli region and file a comprehensive reply.



(II) We have gone through the reply statement filed by the respondents and find it to be inadequate. The O.A. was filed in the year 2015 and already 6 years have passed. At this stage, if we ask the Welfare Commissioner Hyderabad to obtain the reply from Tirunelveli and file, we do not know as to how much further time he would take. The applicant has already retired in the year 2009 and, therefore, further procrastination of the dispute may not be in the interest of justice. When the case was being heard, learned counsel for the applicant submitted that the respondents have issued letter dated 10.07.2015, after the O.A. was filed. The same was received by the applicant in September, 2019 wherein they have rejected the relief sought by the applicant. However, since the details are inadequately furnished in the reply statement, we direct the 1st respondent to examine the dispute keeping in view the contentions raised by the applicant in the O.A. and also the relevant O.Ms cited in the OA, covering the sanction of MACP, and thereafter take a decision in providing the relief as sought for in the O.A. As the applicant has retired from service long time back, it is necessary that an early decision has to be taken in the matter.

Consequently, we direct the 1st respondent to examine the issue afresh and then take a decision, by issuing a speaking and reasoned order within a period of 12 weeks from the date of receipt of a copy of this order as per extant rules and in accordance with law.



With the above directions, the O.A. is disposed of with no order as to costs.

(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/pv/