

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No. 656/2021

This the 03rd day of August, 2021

(Through Video Conferencing)

**Hon'ble Mrs. Manjula Das, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Prem Sagar Nahar (Retd.), aged 88 years
(Ex. Principal, GBSSS, Bankner, Narela, GNCTD, Delhi)
s/o Shri Benarsi Dass,
Block C2B-51-C, Janakpuri, Delhi – 110 058

..Applicant

(through Mr. Deepak Verma, Advocate)

Versus

Through Govt. of NCT of Delhi & Ors.

1. The Chief Secretary
Govt. of NCT of Delhi
Delhi Secretariat, IP Estate
New Delhi-110002.
2. The Director
Through Dy. Director of Education
Govt. of NCT of Delhi, Dist North West-B
FU Block, Pitampura
Delhi-110034.
3. The Secretary
Dept. Of Pension & Pensioners Welfare
Min. Of PPG & Pensions, Lok Nayak Bhawan
New Delhi-110003.
(Performa Respondent) ... Respondents

(through Ms. Esha Mazumdar and Mr. R K Sharma,
Advocates)



ORDER (ORAL)**Hon'ble Mrs. Manjula Das :**

The applicant is an octogenarian. He retired as Principal, GBSS School, Government of NCT of Delhi in the year 1992. Claiming the re-fixation of his pension, he filed the instant O.A. with the following reliefs:

“(i) Re-fix the Pension of the applicant w.e.f. 1.1.2006 in the correct corresponding Grade Pay Rs.7600 in PB-3 (Pre-revised Rs.12000-15,200) applicable to the Post of ‘Principal’ from which he retired and consequently revise his pension from 1.1.2016.

(ii) To issue fresh PPOs (Pension Payment Orders) accordingly.

(iii) Pay the admissible arrears w.e.f. 1.1.2006 along with 18% interest.

(iv) Any other or further order the Hon'ble Tribunal deems fit in the interest of justice and exemplary costs.”

2. In support of his claim, the applicant relied upon the judgment delivered by this Tribunal in **J D Gupta v. The Chief Secretary, Govt. of NCT of Delhi & others** (O.A. No.2943/2017) decided on 03.08.2018. The judgment was challenged by the respondents before the Hon'ble High Court of Delhi in W.P. (C) No.2255/2019, which was dismissed vide order dated 23.04.2019. The

learned counsel submitted that the facts of this case are *akin* to one in the said case.

3. On the other hand, learned counsel for respondents submitted that the facts of this case are distinguishable from the facts in the said O.A. and the applicant is not entitled for grant of any relief. Hence, she prayed for dismissal of the O.A.

4. Heard Mr. Deepak Verma, learned counsel for applicant and Ms. Esha Mazumdar, learned counsel & Mr. R K Sharma, learned counsel for respondents.

5. From the perusal of the record, it is seen that the facts of this case are similar to the one in O.A. No.2943/2017, wherein the Tribunal passed the following orders:-

(i) Refix the pension of the applicant w.e.f. 01.01.2006 in the correct corresponding scale in PB3 + Grade Pay of Rs.7600 (pre"-revised Rs.12000-16500) applicable to the post of Principal from which he retired. In the relief clause, pre revised amount has wrongly been shown as Rs.12000-15200, which has subsequently been corrected to Rs.12000-16500 in the rejoinder filed by the applicant.

(ii) Issue a fresh PPO to the applicant.

(iii) Pay the admissible arrears to the applicant w.e.f. 01.01.2006. The interest, however, may be paid

w.e.f. 17.03.2015 (the date when the issue attained finality by order of the Apex Court) at GPF rate.

(iv) This exercise must be carried out expeditiously and completed within a span of three months from the date of receipt of a certified copy of this order. No costs.”

6. Finding no infirmity with the said order of the Tribunal, the Hon’ble High Court dismissed the writ petition on 23.04.2019.

7. Since the issue has already been decided by the Tribunal, as upheld by the Hon’ble High Court of Delhi, we are bound to follow the same. Accordingly, the O.A. is disposed of with in terms of the directions contained in O.A. No.2943/2017. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Manjula Das)
Chairman

August 3, 2021
/sunil/rk/ns/