



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 1744/2021

With

O.A. No. 1745/2021

This the 07th day of September, 2021

(Through Video Conferencing)

Hon'ble Mr. Mohd. Jamshed, Member (A)

1. OA No. 1744/2021

Sh. Ram Dhari Sharma(Retd. Principal)
Age 87 yrs. (Approx)
S/o Late Madhav Prasad
R/o 222, Sharda Niketan,
Pitampura, Delhi-110034.

... Applicant

(By Advocate : Mr. Amit Sharma)

Versus

1. GNCT of Delhi
Through its Chief Secretary,
Delhi Secretariat, I.P. Estate,
New Delhi-110002
2. The Director of Education,
GNCT of Delhi,
Old Secretariat
Delhi-110054
3. The Secretary,
Deptt. Of Pension &
Pensioners' Welfare,
Min. of P, PG & Pensions,
Janpath Bhawan, B-Wing,
8th Floor, New Delhi-110001
(Performa Respondent)

...Respondents

(By Advocate : Mr. H. A. Khan)



2. OA No. 1745/2021

Sh. Vishwa Nath Sharma (Retd. Principal)
Age 86 yrs. (Approx)
S/o Late Madhav Prasad
R/o 144, Sharda Niketan,
Pitampura, Delhi-110034

... Applicant

(By Advocate : Mr. Amit Sharma)

Versus

1. GNCT of Delhi
Through its Chief Secretary,
Delhi Secretariat, I.P. Estate,
New Delhi-110002
2. The Director of Education,
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Janpath Bhawan, B-Wing,
8th Floor, New Delhi-110001
(Performa Respondent)

...Respondents

(By Advocate : Mr. H. A. Khan)

ORDER (Oral)



Since common question of facts and law arises in both these OAs, they are being disposed of vide a common order.

2. The applicants in both these OAs retired as Principal of Government Schools run by Directorate of Education, Government of NCT of Delhi on 30.04.1994 and 31.10.1995, respectively. By filing the present OAs, they have sought the following relief(s):-

“(i) Re-fix the pay of the applicant as per VI CPC recommendations w.e.f. 01.01.2006 in the correct pay of PB 3 + Grade Pay of Rs. 7600 in up-graded, pre-revised pay scale of Rs. 12000-375-16500) applicable to the post of principal from which he has retired. After VI CPC re-fixation, re-fix the pension of the applicant as per VII CPC recommendations w.e.f. 01.01.2016 in the correct pay Matrix of Table 12 replacing pay Matrix of Table 11.

(ii) issue fresh PPO (Pension Payment Order) accordingly;

(iii) pay the admissible arrears w.e.f. 01.01.2006 to update along with an interest of 18% PA.

(iv) Any other or further order the Hon’ble Tribunal deems fit and proper, may also be passed in favour of the applicant in the interest of justice along with the cost of litigation.”

3. Today, I heard Mr. Amit Sharma, learned counsel for the applicants and Mr. H.A. Khan, learned counsel for the respondents, at the stage of admission, through video conferencing.



4. At the outset, Mr. Amit Sharma, learned counsel for the applicants submits that the Principal Bench of this Tribunal vide its orders dated 03.08.2021 in OA No. 655/2021 and OA No. 656/2021 has already dealt with cases of similar nature and have given relief to the similarly placed persons/applicants therein. He further submits that the applicants will be satisfied if the present OAs are also disposed of in terms of orders of this Tribunal dated 03.08.2021 in OA No. 655/2021 and OA No. 656/2021.

5. The order in OA No. 655/2021 dated 03.08.2021 passed by the Tribunal, reads as under:-

“The applicant is an octogenarian. He retired as Principal, GBSS School, Government of NCT of Delhi in the year 1996. 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. Sourabh Chadda, 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."

6. The order in OA No. 656/2021 dated 03.08.2021

passed by the Tribunal, reads as under:-



“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.

.....X.....X

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."

7. The fact that the applicants herein in the present OAs are similarly placed as the applicants in OA No. 655/2021 and 656/2021 is not objected by Mr. H.A. Khan, learned counsel for the respondents. On perusal of the records and on being satisfied by the arguments advanced by Mr. Amit Sharma, learned counsel for the applicants that the applicants are similarly placed as the applicants in OA No. 655/2021 and OA No. 656/2021 and also keeping in view no objection to this fact by Mr H.A. Khan, learned counsel for the respondents, I am of the view that the applicants in the present OAs are similarly placed to the applicants in OA No. 655/2021 and OA No. 656/2021, which were disposed of by the Principal Bench of this Tribunal on 03.08.2021.



8. Following the same, the present OAs are also disposed of in terms of the orders dated 03.08.2021 in OA No. 655/2021 and 656/2021. There shall be no order as to costs. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

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