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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00333 OF 2012
Cuttack, this the 29th day of June, 2016

CORAM
HON'BLE MR. R.C. MISRA, MEMBER(A)

.....

1. Sisir Kumar Bose, aged about 72 years, S/O Late Surendra Mohan Bose.
2. General Secretary, Railway Senior Citizen Welfare Society, Retired Station Manager, Bhubaneswar, East Coast Railway, At present Plot No. 871/2321 Canal Road, Garage Chhak, Bhubaneswar-751002.
3. Brajakishore Adhikari, aged about 75 years, S/O Late Banamali Adhikari, President, Railway Senior Citizen Welfare Society, Retired as Station Superintendent, East Coast Railway, At Present Umapades, Post: Jajpur Road, District-Jajpur, PIN-755019.
4. Meegda Laakshmana Rao, aged about 70 years S/O Meegada Govinda Rao, Working President, Railway Senior Citizen Welfare Society, Retired as Office Superintendent, Grade-I, At present: Dak Banglow Road, P.O-Jatnai, District-Khurda.
5. Ramesh Chandra Panigrahi, aged about 71 years S/O Late Natabar Panigrahi, Office Superintendent, Railway Senior Citizen Welfare Society, Retired as Auditor, East Coast Railway, At present: Anglo India Colony, Bachhama Patana, Post-Jatni-752050, District-Khurda, Orissa.

.....Applicant

By the Advocate(s)-M/s. S.K. Nayak, S.K. Sahu, K. Badhai.

-Versus-

Union of India, represented through

1. Secretary, Department of Pension & Pensioners Welfare, Ministry of Personnel, Public Grievances & Pensions, Lok Nayak Bhawan, 3rd Floor, Khan Market, New Delhi-110003.
2. Director(PP), Department of Pension & Pensioners Welfare, Ministry of Personnel, Public Grievances & Pensions, Lok Nayak Bhawan, 3rd Floor, Khan Market, New Delhi-110003.
3. Railway Board, represented by its Secretary, Railway Bhawan, New Delhi-110003.
4. General Manager, East Coast Railway, ECoR Sadan, At/PO. Chandrasekharapur, Bhubaneswar, Dist: Khurda.
5. Secretary to Govt. of India, Department of Expenditure, Ministry of Finance, North Block, New Delhi.

.....Respondents

By the Advocate(s)- R.C. Swain(R/1,2 &5), T. Rath(R/4)



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ORDER(Oral)

R.C. MISRA, MEMBER (A)

Heard Sri S.K. Nayak, Ld. Counsel appearing for the Applicant and Sri T. Rath, Ld. Standing Counsel appearing for the Respondents/Railways and perused the materials placed on record.

2. The applicant in this O.A. has come up with a prayer that his pension entitlement should be fixed as per the formula applicable to pre-retirees of 2006 with effect from 01.01.2006.

3. Ld. Standing Counsel for the Railways had been directed on 13th October, 2015 to apprise this Tribunal about the implementation by the Respondents of the decision of the Hon'ble Apex Court with regard to revision of pension of pre-2006 pensioners. Since the Railway Board has taken further steps in this regard, in the meantime, he has filed instructions in which it has been stated that the issue raised by the applicant in this O.A. has been ^e ^h squarely covered under the instructions issued by the Department of Pension and Pensioners' Welfare (DOP&PW)'s O.M. dated 30.07.2015. By issuing of this O.M. the Department of Pension and Pensioners' Welfare has complied with the common order dated 01.11.2011 of the CAT, Principal Bench ^e ^h ~~vide its~~ in O.A. No.655/2010, which has been uphold by the Hon'ble High Court of Delhi and the Hon'ble Apex Court. Since the Railway Board has decided to adopt the latest instructions issued by the Department of Pension and Pensioners' Welfare in compliance of the orders of the Hon'ble Apex Court, Respondents have submitted that there is no need to file any counter reply as they are granting relief to the applicant.

4. On the other hand, Sri Nayak, Ld. Counsel for the applicant while agreeing ^e ^h ~~with~~ of Sri Rath, the Standing Counsel for the Railways has submitted that the applicant has made a representation to the Director,

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Department of Pension and Pensioners' Welfare on 10.05.2016 regarding implementation of the judgment of the CAT, Principal Bench along with a copy to the Chairman, Railway Board. It has been submitted in the representation not to adopt dilatory tactics and on the other hand to issue a clear cut circular granting equal fitment benefit to pre-2006 pensioners in the similar way as was granted to working employees on service and pensioners and to eliminate the disparity between pre and post 2006 pensioners.

5. In my view this prayer is the same which has been considered by the Railway Board in accordance with instructions issued by the Department of Pension and Pensioners' Welfare (DOP&PW)'s O.M. dated 30.07.2015. In any case, if there is pending application of the applicant before the Respondents-Department, the same may be considered and disposed of in keeping with the instructions obtained and submitted by Sri Rath, Ld. Standing Counsel for the Railways.

6. The O.A. is thus disposed of. No costs.



(R.C.MISRA)
MEMBER(A)