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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of Order : 16/12/2003

O.A. No. 81/2001.

1. All India P & T & Other Central Govt. Pensioners Welfare Association, Jodhpur through Its Secretary, K. L. Dave son of Sh. Chunni Lal Dave aged 73 year resident of Daspa House Loco Road Ratanada, Jodhpur. Retd. Assistant Post Master General, Jaipur.
2. Sh. B.M. Saboo son of Sh. Ram Pal Saboo aged 73 years, resident of C/o Sh. P.L. Ojha Fateh Sager Jodhpur, retd. Sub Post Master (LSG) Jodhpur.

... APPLICANTS.

versus

1. Union of India through the Secretary, Ministry of Communication, Dak Bhawan, Govt. of India, New Delhi.
2. The Chief Post Master General, Jaipur.
3. The Post Master General, Western Region, Jodhpur.

... RESPONDENTS.

Mr. Kamal Dave counsel for the applicant.
Mr. S. K. Vyas counsel for the respondents.

CORAM

Hon'ble Mr. Justice G. L. Gupta, Vice Chairman.
Hon'ble Mr. A. P. Nagrath, Administrative Member.

: O R D E R :
(per Hon'ble Mr. A. P. Nagrath)

The applicants in this OA are all pensioners belonging to Post & Telegraph Department and have filed this application in a representative capacity as All India P & T and Other Central Government Pensioners Welfare Association through its Secretary

Shri K. L. Dave. Applicant No.2 Shri B. M. Saboo is also a member of the said association who retired as Sub Post Master, Jodhpur. Both Shri K. L. Dave and Shri B. M. Saboo are nearing 75 years of age. The relief prayed for by them is stated in the following terms :-

"8.1 That the respondents may kindly be directed to calculate all the pensionary benefits after taking into account the special allowance/supervisory allowance as part of the pay as per para 20 of the scheme dated 17/12/1983 and special pay of Rs.45/- to Pensioners who Supervised the work of their cadre employees (TBOP Scheme) along with 18% interest.

8.2 The respondents may kindly be directed to release arrear after calculating the pensionary benefits as above with interest.

8.3 Exemplary cost may kindly be imposed on the respondents.

8.4 Any other appropriate order or direction, which may be considered just and proper in the light of above, may kindly be issued in favour of the applicant.

8.5 Costs of the application may kindly be awarded in favour of the applicant."

2. The case of the applicants is that in the P & T Department, a scheme had been introduced vide letter dated 17.12.1983 for time bound promotion which provided for special allowance to such of the members who were performing duties of supervisory post. It was provided in the said scheme that the special allowance shall not be counted for any purpose other than pensionary benefits. Vide order dated 24.09.1984, some of the employees were posted against regular supervisory post which entitled them to special allowance of Rs.25/- per month. The grievance of the applicants is that except employees in the LSG cadre, the special allowance was not taken into account for the

pensionary benefits as provided in the agreement. Their further grievance is that even in the LSG cadre the benefit of special allowance has been discontinued w.e.f. 01.01.1996. Some of their members had worked for more than 3 years in supervisory duties and had drawn special pay while working on such posts but that allowance was also not counted for calculating the pensionary benefits.

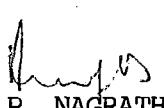
3. Having heard the learned counsel for the parties and having perused the reply of the respondents, we find that this application has arisen out of misunderstanding on the part of the applicants. It is not the case of the applicants that when they had retired, which in all cases is prior to 01.01.1996, the special allowance enjoyed by them was not taken into account while determining their pension. This position was admitted at the time of arguments. Their case is that when the pensions were revised w.e.f. 01.01.1996 in pursuance of recommendations of the Fifth Pay Commission, the element of special allowance should have been counted separately for determining their revised pension. This argument has no substance. In fact the pension under the rules is being revised by taking into account the pension being received by an employee as on the date of his retirement including the element of special allowance. When the revision is done w.e.f. 01.01.1996, the pension already drawn by the employee including special allowance is refixed w.e.f. 01.01.1986 and further w.e.f. 01.01.1996. The rules do not provide for separately reckoning the special allowance element as the same stands merged in the pension being received by the employee. Thus, in so far as the prayer of the applicants is

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concerned that the pensionary benefits be calculated after taking into account the special allowance already stands implemented and no further benefit is required to be extended.

4. As a matter of fact, the respondents have very fairly conceded that certain officials, shown in Annexure A-1 of the OA in respect of whom special allowance was not kept taken into account while calculating pension, the department is taking necessary action to revise the pensionary benefits by incorporating that special allowance. Of course in respect of Applicant No.2, Shri B. M. Saboo, it has been clarified that he had been extended the due benefit of reckoning the supervisory allowance of Rs.35/- per month while calculating his pension at the time of his retirement and that his pension w.e.f. 01.01.1996 has been worked out correctly.

5. We, therefore, do not find any merit in this application and the same is dismissed. However, we do hope that the promise held out by the respondents in respect of such of the officials in whose favour the special allowance had not been taken into account while calculating their pension, the needful has been done by now. It has to be recognised that all the affected persons are senior citizens and they need urgent attention for redressal of their genuine grievances. No costs.


(A. P. NAGRATH)

MEMBER (A)


(G. L. GUPTA)

VICE CHAIRMAN