

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO.589/2010

Dated this the 16th day of May, 2011

C O R A M

HON'BLE Mrs.K. NOORJEHAN, ADMINISTRATIVE MEMBER

C.Balakrishnan Nair, Rtd. Office Supdt.of DSC
S/o Sankaran Kutty Menon, Kattuvalappil House
Muthuvattor, Distt. Trichur, Kerala

Applicants

By Advocate Mr M.Rajagopalan

Vs

- 1 Union of India represented by the Secretary
Ministry of Defence, New Delhi.
- 2 Principal Controller of Defence Accounts(Pension)
Allahabad.
- 3 Officer I/C DSC Records, DSC Record Office
Pin 901277, C/o 56 APO
- 4 Defence Pension Disbursing Officer
PO Chembukavu, Thrissur, Kerala.
Of Posts, Dak Bhavan, Sansad Marg, New Delhi-1..

Respondents

By Advocate Mr.Sunil Jacob Jose, SCGSC.

The Application having been heard on 29.3.2011 the Tribunal
delivered the following:

ORDER

HON'BLE Mrs. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant aggrieved by payment of less pension by revised fixation of his pension after implementation of VIth CPC w.e.f 1.1.2006 has sought a direction to the respondents to revise his basic pension as per Sl.No.10 in Anxx.A1 w.e.f 1.1.2006.

2 Brief facts of the case as stated by the applicant are that having completed more than 36 years of service he retired on attaining the age of superannuation on 1.9.1988 as Office Superintendent . It is stated that the Vth CPC redesignated the post of Office Supdt as Assistant with higher pay scale and revised his pension accordingly. On implementation of the VIth CPC again the pension of the applicant was revised w.e.f 1.1.2006. According to him his pension has to be fixed as per Sl.No.10 of the revision chart, Anxx.A1 but the respondents fixed his basic pension as Rs.5907 whereas his basic pension should have to be Rs.6750 as per Anxx.A1. He represented the matter before the concerned authorities. Neither has he received any satisfactory reply nor his pay revised as per Sl.No.10 of Anxx.A1 which he became eligible Hence the O.A.

3 The respondents contested the O.A. It is submitted that while revising the pension under 6th CPC, the then existing pension was compared with the tables annexed to Deptt of

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Pension & Pensioners Welfare (P&PW) OM Fno.38/37/08/P&PW (A) dated 1.9.2008 and fixed at Rs.5907/- under fitment formula. They further compared it with Annx.A1 of Dept of P&PW dated 14.10.2008 wherein revised pension based on revised pay bands and grade pay for posts carrying present scale in Group 'A', 'B', 'C' and 'D' have been notified. The 4th CPC pay scales of the pensioner matches with Sl.No.9 of Annx.A1 and the pension as per revised pay band for this pay scale has been indicated as Rs.4000/- which is not beneficial to the pensioner as the pension arrived at through fitment formula i.e R.5907 is more. They have brought to the notice of the applicant the following points: (i) On implementation of the 5th CPC recommendations, erstwhile Office Supdt Grade II post was redesignated as Assistant and granted higher pay scale of 5000-150-8000 w.e.f 1.1.96 in place of replacement scale 4500-125-7000; (ii) Accordingly, the pension in respect of applicant is to be fixed under Sl.No.10 of Table given as Annx.I to Dept of P&PW letter dated 14.10.08. Thereafter, the respondent took up the matter with PCDA(P) Allahabad who have confirmed that the corresponding pay scales of Rs.1400-40-1800-50-2300 under 5th CPC is 4500-125-7000 and the pay of the applicant in 6th CPC would be Pay Band-I 5200-20200 with Grade Pay Rs.2800. This pay scale matches the one against Sl.No.9 of Annx.A1. It is also clarified that Ministry of Defence ID No.11(30/99/D(Civ-I) dated 4.1.2000 stipulates the nomenclature of OS Level II stands abolished after the higher scale of 5000-8000 is made admissible to the incumbents.

Therefore, according to the respondents, the applicant cannot be treated to be an incumbent, a serving employee, for grant of this pay scale from 1.1.1996. This position has been concurred vide Annx.R-2, by the Pension Sanctioning authority. Thus, the applicant has no case.

4 Heard the learned counsel for the parties and perused the record.

5 I find that consequent to the 6th CPC the revision and fixation of pension was considered by the concerned Ministry/DOPT under the guidelines issued by the Finance Ministry. On the basis of the guidelines issued by the authorities concerned and as per para 5 of DP&PWF.No.38/37/08/P&PW(A) dated 11.2.2009, the benefit of upgradation of posts subsequent to their retirement would not be admissible to the pre-2006 pensioners regarding revision of their pension under 6th CPC was issued. These facts have been brought to the notice of the applicant by the CGDA, New Delhi vide letter dated 18.1.2010.

6 Judicial interference comes into play only if the action of the Administration is contrary to constitutional or statutory provision or is patently arbitrary or violative by malafides or fail to give reasons amounting to denial of justice. I do not find any situation warranting interference by the Tribunal. In view of the

above I do not find any reason warranting interference by this Tribunal

7. Therefore, I do not find any basis to allow the prayer of the applicant and this OA is devoid of any merit which is liable to be dismissed.

8. I, therefore, dismiss the OA with no order as to costs..



(K.NOORJEHAN)

ADMINISTRATIVE MEMBER

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