

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.165/2013

Tuesday this the 21st day of October 2014

C O R A M:

HON'BLE Mr.U.SARATHCHANDRAN, JUDICIAL MEMBER

1. K.Dhananjayan, S/o.Karuthakayan,
Retd. Catering Supervisor, S.Rly., Trivandrum.
Residing at Roshna, Ram Temple Lane,
Sea View Ward, Bazar P.O., Alappuzha – 688 012.
2. T.P.Assan Koya, S/o.Moideen,
Retd. Catering Supervisor, S.Rly., Trivandrum.
Residing at Goodwill, P&K Sons,
Chelavoor P.O., Kozhikode – 673 571.
3. P.N.Kumara Pillai, S/o.Narayana Pillai,
Retd. Catering Supervisor, S.Rly., Trivandrum.
Residing at Puthuparambil House,
South Kallara Post, Kottayam.

...Applicants

(By Advocate M/s.Varkey & Martin)

V e r s u s

1. Union of India represented by General Manager,
Southern Railway, Park Town, Chennai – 600 003.
2. Divisional Personnel Officer,
Southern Railway, Trivandrum – 695 014.
3. Sr. Divisional Finance Manager,
Southern Railway, Trivandrum – 695 014.

...Respondents

(By Advocate Mr.Sunil Jacob Jose)

This application having been heard on 7th October 2014 the Tribunal on 21st October 2014 delivered the following :-

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ORDER

HON'BLE Mr.U.SARATHCHANDRAN, JUDICIAL MEMBER

Applicants are Catering Supervisors retired from Trivandrum Division of Southern Railway. Applicant No.1 retired on 28.2.2002 as Catering Supervisor with 22 years of qualifying service. His pay scale at the time of retirement was Rs.5500-9000. He was granted a monthly pension of Rs.2370/-. Applicant No.2 with 23 years of qualifying service retired as Catering Supervisor in the scale of Rs.5000-8000 on 30.6.2005. He was granted a monthly pension of Rs.3320/-. Applicant No.3 with qualifying service of 20 years retired as Catering Supervisor in the scale of pay of Rs.5000-8000 on 31.12.2004 and was granted a monthly pension of Rs.2478/-. Applicants are aggrieved by the denial of revised pension from 1.1.2006 at the rate of 50% of the minimum of pay in the pay band plus grade pay corresponding to the pre-revised pay scale from which they had retired. After 6th CPC pay revision pension of the Applicant No.1 was revised to Rs.5357/- plus Dearness Relief on the basis of the corresponding revised 6th CPC Pay Band of Rs.9300-34800 plus Grade Pay of Rs.4200/- and the family pension would be Rs.4917/-. In the case of Applicant No.2 his revised pension after the 6th CPC is Rs.5003/- plus Dearness Relief from 1.1.2006 and the family pension would be Rs.4307/-. Applicant No.3 did not get any revised Pension Payment Advice. He made Annexure A-4 representation based on the Annexure A-3 Railway Board letter dated 8.9.2008 making applicable the benefits of 6th CPC Pay



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Revision to the Railway pensioners also. However, without acceding to the request in Annexure A-4 for a revised pension of Rs.6750/-, Applicant No.3 received Annexure A-5 revised pension granting him revised pension of Rs.4091/- plus Dearness Relief and the family pension would be Rs.4050/- which is much less than what is admissible in terms of Annexure A-3. Applicants submitted Annexure A-6 and Annexure A-7 representations for revising their monthly pension to Rs.6750/- per month from 1.1.2006 based on Annexure A-3 order. However, the respondents did not respond favourably to Annexure A-4, Annexure A-6 and Annexure A-7 representations and hence the applicants have filed this O.A seeking the following reliefs :

1. Declare that the applicants are entitled to draw revised monthly pension of Rs.6750/- with effect from 1.1.2006, plus dearness relief with consequential arrears with interest at 10% per annum and direct the respondents accordingly.
 2. Set aside A-1, A-2 and A-5 pension payment advices to the extent the revised monthly pension shown therein falls short of Rs.6750/- with effect from 1.1.2006 and direct the respondents to issue revised P.P.Os accordingly.
 3. Award costs of and incidental to this application.
 4. Pass such other orders or directions as deemed just fit and necessary in the facts and circumstances of the case.
2. Respondents filed a reply denying the claim of the applicants stating that at the time of the retirement all the applicants were granted appropriate pension proportionate to their respective qualifying services and hence there is no question of denial of 50% of the minimum pay. According to respondents, as per Annexure R-1 administrative instructions pension will



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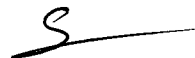
be reduced pro-rata where the pensioner had less than the maximum required qualifying service ie. 33 years for full pension. It is also contended that 50% of pension on the last pay plus grade pay is applicable only for post 2006 pensioners.

3. A rejoinder was filed by applicants refuting the contentions of respondents in the reply statement.

4. Additional reply statement was filed by the respondents contending again that there will be a pro-rata reduction of pension for the pre 2006 pensioners based on their length of service.

5. Heard Shri.M.P.Varkey, learned counsel for the applicant and Shri.Rajesh representing Shri.Sunil Jacob Jose, learned counsel for the respondents.


6. Learned counsel for the applicant relying on the order dated 23.1.2012 of this Tribunal in O.A.No.747/2011 submitted that pre 1.1.2006 pensioners are entitled to pension at the rate of 50% of his minimum pay in the pay scale and 50% of the grade pay attached to it as pension. In O.A.No.747/2011 this Tribunal was relying upon a Full Bench decision of the Principal Bench of this Tribunal in O.A.No.655/2010. Yet another common order dated 16.8.2013 of this Tribunal in O.A.Nos.715/2012 and



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1051/2012 also was relied on by applicants wherein also it was held that the settled law is that in no case the pension of the pre 2006 pensioners shall be lower than 50% of the minimum of the pay in the pay band plus grade pay thereon corresponding to the pre revised pay scale from which the pensioner had retired. It means that pension of the pre-2006 retiree has to be first calculated taking into account the revised pay in the pay band plus grade pay corresponding to the pay scale from which he retired proportionate to the length of his service and then find what is 50% of the minimum of the pay band plus grade pay and fix higher of the two as his pension. This order of the Tribunal was challenged in O.P.(CAT) No.8/2014 but the Hon'ble High Court of Kerala did not interfere with that order. Hence, it is settled law now that the pension of the pre 1.1.2006 pensioners shall be not less than 50% of the minimum of the pay in the pay band plus grade pay thereon corresponding to the pre revised pay scale from which the pensioner had retired.

7. By virtue of Annexure A-3 the aforecited recommendations of the 6th CPC as adopted by the Central Government vide Annexure A-3/2 O.M. Dated 1.9.2008 have been adopted to the Railway servants also. Therefore, it goes without saying that the stand taken by the respondents that pension will be depending on the length of service put in by the applicants is not sustainable.



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8. In the circumstance, this Tribunal directs the respondents to consider revising the pay of the applicants which shall in no case be lesser than 50% of the minimum of the pay in the pay band plus grade pay corresponding to the pre revised pay scale from which the applicants had retired.

9. Accordingly, the O.A is allowed as observed above. There shall be no order as to costs.

(Dated this the 21st day of October 2014)



U.SARATHCHANDRAN
JUDICIAL MEMBER

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