

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 309 OF 2012

Tuesday, this the 24th day of July, 2012

CORAM:

HON'BLE Ms.K NOORJEHAN, ADMINISTRATIVE MEMBER

1. V.K Mohanan
Scientist/Engineer – SG
VSSC, Thiruvananthapuram
Residing at Sreemayam, House No.313
Gandhi Nagar, Vazhuthacaud
Thiruvananthapuram – 695 014
2. S Muraleedharan Nair
Scientist/Engineer – SG
VSSC, Thiruvananthapuram
Residing at KMRA-18, Mangad Lane
Karamana, Thiruvananthapuram – 695 002
3. K.Balasubramanian
Scientist/Engineer – SG
VSSC, Thiruvananthapuram
Residing at T.C 6/745, 'Govardhan'
Anantha Nagar, Vattiyoorkavu P.O
Thiruvananthapuram – 695 013 - Applicant

(By Advocate Mr.Vishnu S Chempazhanthiyil)

Versus

1. Union of India represented by the Secretary
Ministry of Personnel, Public Grievances & Pension
Department of Pension & Pensioners' Welfare
Lok Nayak Bhavan, New Delhi – 110 003
2. Vikram Sarabhai Space Centre
Represented by its Controller
VSSC, Thumba, Thiruvananthapuram – 695 022
3. Indian Space Research Organisation
Represented by Secretary
Department of Space, Antariksh Bhavan
New BEL Road, Bangalore -560 231 - Respondents

(By Advocate – Mr.Sunil Jacob Jose, SCGSC)

The application having been heard on 24.07.12., the Tribunal on the same day delivered the following:

ORDER

HON'BLE MS.K NOORJEHAN, ADMINISTRATIVE MEMBER

1. The applicants have filed this Original Application seeking the following main reliefs:-

" 1. Direct the respondent to consider sanctioning pension at the rate of Rs.24,295/-, which is the 50% of the minimum of the pay in the pay band S-26 as per the fitment formula at Annexure A-2.

2. Direct the respondents to extend the benefit of Annexure A-13 judgment to the applicants as well. "

2. The applicants are Scientists who have retired from ISRO prior to 1.1.2006. As per the 6th Central Pay Commission, the pay scale of the applicants who retired in S-26 scale (Rs.16400-450-20,000) was brought under Pay Band 4 with corresponding Pay Band being Rs.37,400-67,000 + GP Rs.8900/-. In terms of the fitment formula in the first schedule to Rule 3 & 4 of CCS (RP) Rules, the minimum of the pay in the Pay Band is arrived at Rs.48,590/-. As per the orders issued on 01.09.2008 revising pension of pre-2006 pensioners, fixation of pension will in no case be lower than 50% of minimum of pay in the pay band plus grade pay. Going by the same, the applicants ought to have been sanctioned pension at Rs.24,295/-. However, when orders were issued, the pension was fixed at Rs.23,150/-. The issue raised by the applicants was considered by the Full Bench of the Principal Bench of the Tribunal in O.A No.655/2010 and connected cases in its order dated 01.11.1011. Further the very same matter in respect of Scientist/Engineer SG category was dealt with in O.A No.31/2011, which was allowed. The

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applicants contend that they are similarly situated and are entitled to the benefits of the above orders. Paragraph 30 of the order of the Full Bench of the Principal Bench is extracted below:-

“ In view of what has been stated above, we are of the view that the clarificatory OM dated 3.10.2008 and further OM dated 14.10.2008 (which is also based upon clarificatory OM dated 3.10.2008) and OM dated 11.02.2009, whereby representation was rejected by common order, are required to be quashed and set aside, which we accordingly do. Respondents are directed to re-fix the pension of all pre-2006 retirees w.e.f 1.1.2006, based on the resolution dated 29.08.2008 and in the light of our observations made above. Let the respondents re-fix the pension and pay the arrears thereof within a period of 3 months from the date of receipt of a copy of this order. OAs are allowed in the aforesaid terms, with no order as to interest and costs. “

3. As the case of the applicants in this O.A are squarely covered by the order of the Principal Bench, I respectfully follow the order of the Principal Bench in O.A 655/10 and connected cases and O.A No.31/11 before this Tribunal. The respondents are directed to cause issuance of revised PPOs to the applicants revising their pension as Rs.24,295/- at the earliest and in any event not later than 4 months from the date of receipt of copy of this order. This order is subject to the out come of the writ petition filed before the Hon'ble High Court of Delhi and Kerala. Accordingly, the Original Application is allowed. No costs.

(Dated, this the 24th day of July, 2012)


(K NOORJEHAN)
ADMINISTRATIVE MEMBER