

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No 505 of 2010

Order Reserved on 8.5.2014

Order Pronounced on 23/05/2014

HON'BLE MR. NAVNEET KUMAR MEMBER (J)

1. Yamuna Singh aged about 66 years, son of Late Sri Harihar Singh, resident of Hari Om Satguru Bhawan, A.F. Raoad Bakshi Ka Talab, Lucknow-227202.
2. H. N. Shukla, aged about 66 years, son of Late Sri N.L. Shukla resident of Mohalla Dayanand Nagar, behind Old Telephone Exchange, Barabanki.
3. R. P> Pandey, aged about 68 years, son of Late Sri Ram Narain Pandey, resident of In front of I.T.I. Pani Ki Tanki, I.T.I Bast.
4. Matadin, aged abut 67 years, son of Late Sri Kallu Ram, Ramzam Nagar, Nawgarh, Sidharth Nagar.
5. P.L. Rathore aged about 66 years, son of Late Nanhey Lai, resident of House No. 18/342, Indira Nagar, Lucknow-16.
6. Mool Ram Verma, aged about 71years, son of Late Shiv Dayal Verma, reisident 343/2, Begambagh, Sitapur.
7. Ram Deo aged about 69 years, son of late Chhatanke, resident of 6/315, Gomti Nagar, Lucknow.

Applicant

By Advocate Sri Surendran P.

Versus

1. Union of India through Secretary, Department of Pension and Pensioners' Welfare Lok Nayak Bhawan, New Delhi 110003.
2. Director (P.P.) Department of Pension and Pensiner's Welfare, Lok Nayak Bhawan, New Delhi.-110003.
3. Chief Post Master General U.P. Circle, U.P. Lucknow.

Respondents

By Advocate Sri P. K. Awasthi.

ORDER

By Hon'ble Mr. Navneet Kumar, Member (J)

The present Original Application is preferred by the applicant under Section 19 of the AT Act, 1985 with the following releifs:-

"Wherefore, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to quash the order dated 19.3.2010 contained in Annexure No. 1 to this original application and a direction be issued to increase the pension of pre-2006 pensioners at least 50% of grade pay corresponding to pre revised scale given to existing employees so as to make the fitment benefit given to the pensioners consistent vis-à-vis fitment benefit given to the existing employees.

2. The brief facts of the case are that the applicants are retired Central Government Servants and Pre-2006 pensioners. The PPO was issued in respect of the applicants. Subsequently, the Gazette notification was issued on 29th August, 2008 along with a statement showing the recommendations of the 6th CPC relating to Principles which would govern the structure of pension and other terminal benefits contained in Chapter 4,5 and 6 of the report and decision of the Government therein. As per item against serial 12 of the aforesaid statement, the recommendation of the commission in respect of all past pensioners is that they should be allowed fitment benefit equal to 40% of the pension excluding the effect of the merger of 50% dearness allowance/dearness relief as pension in respect of pensioners retiring on or after 1.4.2004 and dearness pension for other pensioners respectively. The learned counsel for the applicant has also taken us to the Full Bench decision of this Tribunal passed by the Principal Bench in O.As No. 0655/2010, 3079/2009, 0306/2010 and O.A. No. 0507/2010 vide order dated 1st November, 2011 wherein the Tribunal has dealt with the resolution dated 29.8.2008 and a direction was issued to the respondents to re-fix the pension and pay the arrears there of within a period of three months from the date of receipt of a copy of the order. Apart from this, the learned counsel for the applicant has also pointed out that the said order was challenged before the Hon'ble High Court and the Hon'ble High Court has also dismissed the Writ Petition. As such, the applicant are also entitled for the same benefit as granted to the applicants of decision of the Full Bench.

3. The respondents have filed their reply and through reply, the respondents denied the averments raised in the O.A. and pointed out that as per Rule 49 of the Central Civil Services(Pension)Rules deals with the amount of initial pension admissible on retirement of a Government servant and the said rule was applicable before implementation of the recommendations of the 6th CPC and after the

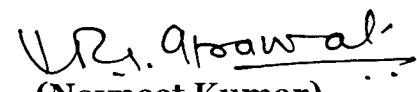
submission of the report of the 6h CPC, the separate recommendations for revision of pension of the past pensioners and for determination of the pensioners of those retiring after implementation of its recommendations. However, the learned counsel for the respondents have not denied the decision of the Principal Bench of this Tribunal as mentioned above as well the decision of the Hon'ble High Court.

4. The learned counsel for the applicant filed their short rejoinder and through rejoinder denied the averments of the respondents submitted through their counter reply and reiterated the averments made in the O.A.

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

6. The applicants are retired central government servants and pre-2006 pensioners. The PPO were issued in respect of the applicants. The Ministry of Personnel, Public Grievances and Pensions issued the resolution published in Gazette Of India dated 29th August 2008. The resolution dated 29.8.2008 on a recommendation of the 6th CPC accepted certain modifications. Apart from this, there is no occasion that this Tribunal to defer with the decisions rendered by the Principal Bench of this Tribunal in a Full Bench Decision which was subsequently affirmed by the Hon'ble High Court. Accordingly, the O.A. is deserves to be allowed.

7. The impugned order dated 19.3.2010 as contained in Annexure A-1 to the O.A. is liable to be quashed. It is accordingly quashed. The O.A. is allowed. The respondents are directed to be re-fix the pension and pay the arrears within a period of three months from the date of receipt of a copy of this order. The applicant will not be entitled for any interest. No order as to costs.


(Navneet Kumar)
Member (J)

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