

(45)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A. No. 133 of 1990

Date of order: 23-12-1991.

Between

Mohd. Faseehullah

... APPLICANT

A N D

1. The Accountant General (A&E),
A.P., Hyderabad.
2. The Comptroller and Auditor General
of India, New Delhi.
3. Secretary to Govt. of India,
Dept. of Pension &
Pensioners' Welfare,
New Delhi.

... RESPONDENTS

Appearance:

For the applicant : Shri I.Dakshina Murthy, Advocate

For the Respondents : Shri G.ParmeswaraRao, SC for A.G.

CORAM:

The Hon'ble Shri R.Balasubramanian, Member (Admn.)

The Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)

JUDGMENT

(of the Bench delivered by the Hon'ble Shri R.Balasubramanian
Member (A)).

The applicant retired as Senior Accountant on 1-6-1986. His pension was fixed on a slab basis taking into account a personal pension of Rs.105/- p.m. Later IV Pay Commission scheme of pension was applied to him. It is contended that he opted out of IV Pay Commission scales and that the revision of pension should be confined only to

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contd...2.

-2-

based on IV pay commission recommendation
pension as such without ~~touching~~ ^{affected} the personal pension.

He cites O.M. No. 2/1/87/P&PW(PIC) dt. 8-3-1988 of the Deptt. of Pension in support of his claim that personal pension should not be revised. It is alleged that despite this position of rules, his pension was revised, in which the personal pension was reduced to Rs.49/- p.m. His representation was rejected by the Respondents vide their letter dt. 25-8-1988. Aggrieved, he has filed this O.A.

2. Respondents opposed and filed a counter. When he retired on 31-5-1986, his pension was fixed according to O.M. No. 27/84-Pension dated 21-6-1985. In this, there is provision for personal pension to off-set the difference between two methods of reckoning Dearness Pay. Accordingly, to protect his interests, a personal pension of Rs.105/- was sanctioned. It is contended that there is no rule which prevents alteration of personal pension. The 8-3-1988 O.M. relied upon by the applicant is not applicable to him. When the IV Pay Commission recommendations were implemented, the pension scheme was applicable to all pensioners. The applicant, no doubt, opted for pre-revised pay-scales. But in so far as pension was concerned, he had no option. The pension has to be regulated according to Memo. dated 14-4-1987. Even by this formula, the applicant faced a disadvantage to the extent of Rs.49/- p.m. which was off-set by a personal pension of Rs.49/- p.m.

3. We heard the learned counsel for the applicant Shri I.Dakshina Murthy, Advocate and Sri G.Parameswara Rao, Standing Counsel for the Accountant General, on behalf of the Respondents.

Copy to:-

1. The Accountant General (A&E), A.P.Hydbad-500 463.
2. The Comptroller and Auditor General of India, 10, Bahadur Shah Jaffar Marg, New Delhi 110 002.
3. Secretary, Department of Pension & Pensioner's Welfare, New Delhi.
4. One copy to Shri. I.Dakshina Murthy, 10-1-18/25, Shyamnagar, Hyderabad- 500 004.
5. One copy to Shri. G.Parmeshwar Rao, SC for A.G. C.A.T. Hydbad.
6. One spare copy.

Rsm/-

4. The main question is whether personal pension is alterable and if so whether the applicant was adversely affected after the revision. The 8-3-88 Memo. relied upon by the applicant in support of his claim that personal pension is not alterable does not apply to him since he retired after 1-1-86. The next question is whether the application of the Govt. of India's Memo. dt. 14-4-1987 has affected him adversely. When the pension of Rs.998/- including Rs.105/- of personal pension was revised, it was placed at Rs.1008/- including Rs.49/- of personal pension. There is no fall. On the other hand, there is a slight increase. This is in accordance with para 10.1(iii) of the Government of India's Memo. No.2/1/87-PIC.II dated 14-4-1987 on regulation of pension on recommendation of the IV Pay Commission. This is a special provision for the likes of applicants who retired between 1-1-86 and 30-6-1987, which includes personal pension where due (emphasis supplied).

5. It is seen that the pension of the applicant has been adequately protected. At the time of hearing the applicant's counsel furnished a pension order in favour of a certain Mr. Mirza Hamid Baig. Full calculations not being available, we are not in a position to appreciate the claim that it goes to show that personal pension cannot be reduced under any circumstances. The rule position permits such alteration.

6. In view of the above, the Application is liable to be dismissed, and hence we dismiss the O.A. with no order as to costs.

R.Balasubramanian T. Chandrasekhara Reddy
(R.Balasubramanian) (T.Chandrasekhara Reddy)
Member (A) Member (J)

Dated: 23rd day of December, 1991.

mhb/-

83/2/91
Dy. Registrar (JUL)

(5) O.A.133/90

RM
30/12/91

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

:V.C

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANTAN: M(A)

AND

THE HON'BLE MR. T. Chandra Sekhar Reddy (J)

DATED: 23/12/1991

ORDER/JUDGMENT:

M.A./R.A./C.A. No.

IN

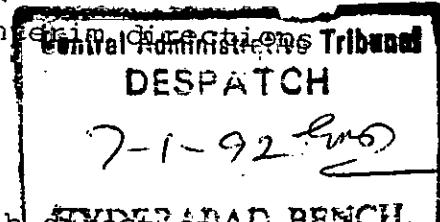
O.A. No.

133/90

T.A. No.

(W.P. No. _____)

Admitted and Interim directions Tribunal
Issued.



Allowd.

Disposed of with directions HYDERABAD BENCH

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

M.A. Ordered/Rejected

No order as to costs.

pvm

31/12/91