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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.1491 of 1994.

Between

Dated: 4.3.1996.

1. R. Swaminathan.
2. V.Ranganatha Rao.
3. S.Krishna Swamy.
4. P.S.Ranga Rao.
5. N.Lakshmanan.
6. S.Desikachari.
7. G.Chandrakekharan.
8. T.S.Srinivasan.
9. L.Krishnan.

... Applicants

And

1. The Director General of Audit, P&T Shamnath Marg, (Near Old Secretariate), Delhi.
2. The Comptroller and Auditor General of India, New Delhi.
3. Union of India, represented by its Secretary to Government of India, Ministry of Finance Department, of Expenditure, New Delhi.

... Respondents

Counsel for the Applicants
Counsel for the Respondents

: Sri. K.Venkateshwara Rao
: Sri. G.Parmeshwar Rao, SC for AG

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

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O.A.No.1491/94.

Date: 4-3-1996.

JUDGMENT

[as per Hon'ble Sri R.Rangarajan, Member(Administrative)]

Heard Sri K.Venkateswara Rao, learned counsel for the applicants and Sri G.Parameshwara Rao, learned Standing Counsel for the respondents.

2. The applicants in this OA are retired Senior Audit Officers of the P&T Department. 80% of the posts of Audit Officers which were in the grade of Rs.2375-3500 were revised to Rs.2200-4000 with effect from 1.4.1987 and arrears if any on the basis of the revised scale was to be given from 1.4.1992 in terms of Office Memorandum No. Admn. III/ 260 to 268/145 to 166/2-62/A.Pen/XI/KW dated 22.5.1994. Initially, the above memo was not made applicable to those retired prior to 1.4.1992. However, by Office Memorandum No.6(82)-IC/91 dated 21.6.1993 the officers who retired between 1-4-1987 and 31-3-1992 were also to be given notional pension on the basis of the revised scale and arrears from 1.4.1987 to 1.4.1992 as incorporated in para-2 of the letter dt. 21.6.1993.

2. In terms of the letter dt. 21.6.1993, the retired officers were paid pension on the above basis from 1.4.1992 fixing their notional pension from 1.4.1987 or later as the case may be. But, they were not given benefit of increase in commutation, leave encashment and DCRG on the basis of the revised pension.

3. This OA is filed praying for a declaration that the applicants are entitled for payment of difference in commutation of pension, difference in payment of death-cum-retirement, gratuity and also difference in leave encashment

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calculated on the basis of upward revision in their pay scale of Rs.2200-400 by holding that the action of the respondents in denying the said benefit to the applicants in the guise of letter issued by R-1 as illegal, arbitrary and violative of Articles 14 & 16 of the Constitution of India.

4. The learned counsel for the applicants brought to my notice the contents of para-4 of the reply statement wherein it is stated that "the matter relating to gratuity, commutation of a portion of revised pension commuted on the basis of notional pay, the same is under ----- submitted that the same may be directed to be finalised very early.

5. But, the learned Standing Counsel submitted that in para-5 (page-5 of the reply statement) it has been clearly stated that the Government of India is seized of the matter relating to commutation of revised pension computed on the basis of notional pay, ----- is no revision contemplated. Hence, the present application at this stage is therefore pre-mature.

the reply statement that the matter relating to granting of difference in gratuity is also under consideration on the basis of notional pay in addition to the payment of difference in commutation of pension. In para-5 at page-5 the learned Standing Counsel himself states that filing of this OA at this stage is pre-mature. Hence, it is preferable

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Copy to:-

1. The Director General of Audit, P&T Shamnath Marg (Near Old Secretariate), Delhi.
2. The Comptroller and Auditor General of India, New Delhi.
3. The Secretary to Government of India, Ministry of Finance, Department of Expenditure, Union of India, New Delhi.
4. One copy to Sri. K. Venkateshwara Rao, advocate, CAT, Hyd.

RSM/--

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that the issues relating to the final settlement in connection with gratuity, commutation of pension and leave encashment may be considered by the Government and a final reply may be given to the applicants.

7. The learned Counsel for the applicants submitted that a time-limit may be fixed for deciding the issue. The learned Standing Counsel contended that this being a policy matter no direction can be given in such cases. But, there may be no bar to give a direction to decide the issue quickly as per law.

8. After the case was heard for some time, the learned Counsel for the applicants submitted that he is withdrawing this OA as it is stated that it is pre-mature and that the case is ~~under~~ ^{under} condition that the issue will be decided quickly and liberty may be given to them to file fresh OA in case if they are aggrieved by the final decision to be taken by the Government.

9. In view of the above, the OA is dismissed as withdrawn. ^{may} The respondents have to decide the issue quickly. Liberty is also given to the applicants to approach this Tribunal by filing a fresh OA in case the applicants are going to be aggrieved by the final decision to be taken by the Government in this connection.

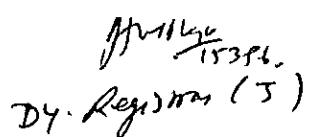
10. No costs.


(R. Rangarajan)
Member (Admn.)

Dated 4th March, 1996.

Dictated in open court.

Grh/Sd.


Dy. Registrar (S)

3/4/96 09/1/96

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

R. Rangarao
HON'BLE SHRI A. B. GORTHI : MEMBER (A)

HON'BLE SHRI

dated. 1/1/96

ORDER/JUDGMENT

M.A. NO. / R.A. / C.A. NO.

IN
1491/96
D.A. NO.

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISMISSED OR WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS

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No Spcl Copy

केन्द्रीय प्रशासनिक अधिकारण Central Administrative Tribunal
DESPATCH
24 NOV 1996
HYDERABAD BENCH

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