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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD
O.A.NO.473 of 1995.

Between

Dated: 25.10.1995.

1. M.A.Gaffar.
2. Mohd. Jamaluddin.
3. Mohd Khasim.
4. Gulam Ali.
5. ~~Abdullab bin Mohammad~~ M.A.Rahim.
6. Abdullabin Mohammad.
7. Syed Ali Bin Hassan.
8. Murtaza Ali.
9. Ali Bin Mohammad.
10. Abdul Kareem.
11. S.Sirajuddin.

... Applicants

And

1. The Regional Director(Food), Ministry of Food & Civil Supplies, (Department of Food), Southern Region, "Chennai House), 8 7, Esplanade, Madras.
2. The Pay and Accounts Officer, Food & Civil Supplies, Ministry of Civil Supplies, Government of India, New Delhi.

... Respondents

Counsel for the Applicants : Sri. Md. Zia-Ul-Haque
Counsel for the Respondents : Sri. K.Bhaskara Rao, Addl.

CORAM:

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:...2/-

O.A.473/98.

Dt. of Decision : 25-10-95.

ORDER

(As per Hon'ble Shri A.B. Gorthi, Member (Admn.))

The claim of the applicants is for a direction to the respondents to fix the pension of the applicants in the revised pay scale which was given effect from 01-08-1987. All the applicants retired on different dates during 1989-93.

2. The applicants were initially employed in the Department of Food, Government of India, but were later absorbed in Food Corporation of India. Their pay scales were revised and the said revised pay scales became effective from 01-08-1987. Even though the pay of the applicants was fixed in the revised pay scales effective from 01-08-1987 the said pay was not taken into consideration for the purpose of fixation of their pension. Their pension was fixed by the respondents based on the earlier pay scales effective from 01-08-1983.

3. The respondents in their reply affidavit, para-5 stated as under:-

In respect of the averments in para 6(d), it is to state that the pensionary benefits of the Petitioners were settled by this office as on their dates of retirement from the services of Food Corporation of India. The pensionary benefits of the Petitioners were settled by this office in terms of C.C.S.(Pension) Rules 1972 and the Government of India orders issued thereon from time to time.

The current pensionary benefits of the Petitioners, which are in receipt by them is based on the Government of India, Ministry of Food and Civil Supplies, Department of Food Order No. 16-3/89-PC.I dated 18-7-1990 with reference to Wage settlement on Industrial Dearness Allowance pattern reached between the Food Corporation of India Management and Food Corporation of India Employees' Trade Unions which came into effect from 1-8-1983. Similar orders of Government of India for revision of Pensionary benefits of the retirees like the Petitioners retired after 1-8-87 from the services of Food Corporation of India have not been issued, taking into consideration of the Wage settlement reached between Management and Food Corporation of India the Food Corporation of India/Employees' Trade Unions which came into effect from 1-8-1987. Therefore, this office could not revise the pensionary benefits of the Petitioners. However, the matter was brought to the notice of Government of India vide this office letter No.Estt.39/6/Misc./93-Pen.I dated 6-2-93 followed by several reminders for early orders as a large number of cases like that of the petitioners are over due."

4. Heard learned counsel for both the parties.

5. From the averments made in the counter affidavit filed by the respondents it is obvious that the case of the applicants for proper fixation of their pension has already been taken up by the Food Corporation of India with the Government of India and that a final decision in the matter is still awaited from the Government. It is unfortunate that though the grievance of the applicants was referred to the Government in February 1993 no decision has yet been given.

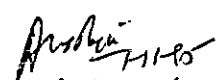
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6. In the afore-stated circumstances, I deem it just and proper to direct that a decision in the matter shall be taken by the Government within a period of three months from the date of communication of this order. Respondent No.2 shall take immediate action in this regard to obtain final order of the Government as directed above. The decision of the Government, ^{which} shall be in the shape of reasoned order, should be communicated to the applicants within 10 days of its receipt from the Government. It will of course be open to the applicants to approach the Tribunal in case they are feel aggrieved by the final order of the Government in the matter of fixation of their pension.

7. The DA is ordered accordingly. No costs.


(A.B. Gorthi)
Member (Admn.)

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Dated : The 25th October 1995. Deputy Registrar (Judicial)
(Dictated in Open Court)

Copy to:-

1. The Regional Director(Food), Ministry of Food & Civil Supplies, (Department of Food), Southern Region, "Chennai House, 7, Esplanade, Madras.
2. The Pay and Accounts Officer, Food & Civil Supplies, Ministry of Civil Supplies, Government of India, New Delhi.
3. ^{spr} One copy to Sri. Md-Zia-UL-Haque, advocate, CAT, Hyd.
4. One copy to Sri. K.Bhaskara Rao, advocate, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

RSM/-

473/95
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B. GORTHU, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 25/10/1995.

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

IN 473/95

O.A.NO.

T.A.NO. (W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.
ALLOWED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

Rsm/-

No Spare Copy

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