

Central Administrative Tribunal
Jabalpur Bench

OA No.578/05

Jabalpur, this the 8th day of December, 2005.

C O R A M

Hon'ble Mr.Madan Mohan, Judicial Member

R.S.Lall
S/o late S.N.Shrivastava
R/o H.No.1583/A, Mukawat Mohalla
Rani Durgavati Ward
Jabalpur.

&

21 others.

Applicants.

(By advocate Shri Komal Patel on behalf of
Shri B.K.Rawat)

Versus

1. Union of India through
its Secretary
Ministry of Personnel, Public Grievances
And Pension
New Delhi.
2. Union of India through
Secretary
Ministry of Telecommunication
New Delhi.
3. Chief Postmaster General
Madhya Pradesh Circle
Bhopal.
4. Postmaster General
Indore Region
Indore.
5. Superintendent
R.M.S. 'JB' Division
Jabalpur.
6. Superintendent, R.M.S.



M.P.Division, Bhopal.

7. Superintendent
R.M.S. 'ID' Dn.
Indore.
8. Senior Superintendent of Post Offices
Jabalpur.
9. Chief General Manager, Telecom Stores
¾ Chaurangi Place
Kolkata.
10. Controller
Telecom Stores
Jabalpur.

Respondents.

(By advocate Shri M.Chaurasia)

ORDER

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following reliefs:

- (i) Quash the impugned order passed by the respondents rejecting the claim of the applicants to re-fix the amount of gratuity payable to the applicants on attaining the age of superannuation on retirement prior to 1.1.1996 by adding the dearness allowance as dearness pay and after re-computation of the gratuity amount, direct the respondents to pay the arrears along with interest at 12% per annum.

2. The brief facts of the case are that the applicants are retired government servants. They retired prior to 1.1.96 on attaining the age of superannuation. They were paid DCRG as per rules. However, the applicants filed an OA No.975/04 for re-fixation of the gratuity amount as per the recommendations of Vth Central Pay Commission, which was made effective from 1.1.96. The Tribunal disposed of the aforesaid OA with a direction to the respondents to consider and decide the representations of the applicants. However, the respondents rejected their representations. Aggrieved by the rejection of their representations, the applicants have filed this OA jointly.



3. Heard learned counsel for both parties. It is argued on behalf of the applicants that the applicants are entitled to the benefit of difference of the gratuity on the basis of the judgment of the CAT, Mumbai Bench, reported in 2003 (3) ATJ at page 436. He has also relied on a decision in the case of Union of India Vs. Preetam Singh who retired in the year 1990. The learned counsel for the applicants further submitted that the claim of the applicants has been rejected by the respondents in spite of the of the circular issued by the Ministry of Public Grievances and Pension dated 27.10.1997, which is also applicable to the pensioners.

5. In reply, learned counsel for the respondents argued that as per the provisions of CCS (Pension) Rules 1972, the applicants who retired prior to 1.1.96 were entitled for retiral benefits in accordance with the rules prevailing at that time and the applicants had accepted the same without any protest and almost after about 10 years, they cannot raise any grievance now. Rule 50 (5) of CCS (Pension) Rules was modified vide Govt. of India, Department of Pension and PW OM dated 27.10.1997 (Annexure A3) and accordingly the benefits of merger of DA on the date of retirement are to be treated as emoluments only from 1.1.96. This benefit under the extant rules cannot be given retrospectively. My attention is drawn to the judgment passed in Civil Appeal No.129/2003 – State of Punjab & Ors Vs. Amar Nath Goyal & Ors, decided on 11.8.2005 by which similar matters are dismissed by the Hon'ble Supreme Court. Hence this OA deserves to be dismissed.

6. After hearing the learned counsel for both parties and perusing the records, I find that the Hon'ble Supreme Court has considered similar matters in Civil appeal No.129/2003 in th case of State of Punjab & Ors Vs. Amar Nath Goyal & Ors, vide judgment dated 11.8.2005 (Supra). In that case, the Hon'ble Supreme Court held " in the result, we set aside the common judgment and order of the High Court of Punjab & Haryana in CWP No.4995/97 and in connected matters decided thereby, in so far as they purport to grant the revised



7. In view of the aforesaid judgment of the Hon'ble Supreme Court, the present OA is liable to be dismissed. Accordingly the OA is dismissed. No costs.

8. Registry is directed to supply the copy of memo of parties to the concerned parties while issuing the certified copy of this order.

(Madan Mohan)
Judicial Member

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पृष्ठांकन सं. ओ/बना..... तारीख, दि.....

- (1) ...
- (2) ...
- (3) ...
- (4) ...

B. K. Raveed
M. Chennappa

Dr
Mr

Accepted
9/9/12-05