## CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

## Original Application No. 682 of 2005

Jabalpur, this the 24th day of January, 2006

Hon'ble Shri M.K. Gupta, Judicial Member

Pyara Singh & 7 others.

Applicants

(By Advocate - None)

## Versus

Union of India & 5 others.

Respondents

(By Advocate - Shri R.S. Siddiqui)

## ORDER (Oral)

None appears for the applicants even on second call. On earlier occasion i.e. 20<sup>th</sup> January, 2006, too, none appeared for the applicants and as such the matter has been adjourned to today.

- 2. In this OA, applicants seeks direction to respondents to re-fix their gratuity as well as arrears of pension in terms of Full Bench judgment of this Tribunal in Baboorao Shanker Dhun & Ors. Vs. Union of India & others cases.
- 3. The respondents contested the claim laid in the OA and stated that in similarly situated cases, decided by Chandigarh and Bangalore Bench of this Tribunal, the respondents have approached the Hon'ble Supreme Court in SLP No. (Civil) 18367/2002 State of Punjab & Ors. Vs. Amar Nath Goyal & others.
- 4. Shri R.S. Siddiqui learned Senior Standing counsel appearing for respondents highlighted to the judgment of State of Punjab Vs. Amar Nath



Goyal, 2005 SCC (L&S) 910, whereby it has been held that the decision of the Central Government/State Government to limit the benefits only to employees, who retire or die on or after 1.4.1995, after calculating the financial implications thereon, was neither irrational or arbitrary. Although dearness allowance linked to the All India Consumer Price Index 1201.66 (as on 1.7.1993), was treated as reckonable part of dearness allowance for the purpose of calculating the death-cum-retirement gratuity, the benefit was actually made available to the employees who retired or died on or after 1.4.1995 i.e. the date suggested by the Fifth Central Pay Commission ("Pay Commission") in its interim report. The judgment of Chandigarh Bench of this Tribunal as upheld by the Punjab and Haryana High Court was set aside and quashed by the Hon'ble Supreme Court in the aforementioned judgment. Similarly the judgment of the Full Bench of the Mumbai Bench of Tribunal was also not approved by the Hon'ble Supreme Court vide TC No. 58 of 2004 noticed under paragraph 13 of the said judgment. On perusal of Annexure A-3, it is established that all the applicants retired during the year 1987-1994.

- 5. On perusal of the said judgment of the Hon'ble Supreme Court, I find that the issue raised in the present OA is squarely covered by the aforementioned judgment and the claim laid & prayer made cannot be allowed. Therefore, finding no merit the present OA is dismissed. No costs.
- 6. The Registry is directed to supply the copy of memo of parties to the concerned parties while issuing the certified copies of this order.

(M.K. Gupta)

Judicial Member