

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT CAMP : INDORE

Original Application No.273 of 2000

Indore, this the 12th day of January, 2004

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri G.Shanthappa - Judicial Member

Jadadas Khanchandani, S/o late Amulmal
Khanchandani, aged 60 years, (Retd) Head Clerk,
Survey of India, r/o 44/2 B.K.S.Sindhi Colony,
Indore.

- APPLICANT

(By Advocate - Shri D.M.Kulkarni)

Versus

1. Union of India through Secretary, Ministry of Science & Technology, Technology Building, New Mehroli Road, New Delhi.
2. Surveyor General of India, Mathi Barkala Estate, P.B.No.37, Dehradun (U.P.).
3. Director, Central Circle, Survey of India, 314, Napier Town, Jabalpur (M.P.).
4. Officer Commanding No.48(P) Party (CC), Survey of India, 113, Napier Town, Jabalpur.
5. Regional Pay & Accounts Officer, Survey of India, 15, Wood Street, Calcutta-16

- RESPONDENTS

(By Advocate - Shri Vivek Saran)

O R D E R (Oral)

By M.P.Singh, Vice Chairman -

By filing this O.A. the applicant has claimed the following main reliefs :-

"8.1 It be held that the applicant is entitled to increase pension amounting to Rs.3,085/- plus D.A. and corresponding benefits of gratuity and commutation of pension and the respondents be directed accordingly.

8.2 The respondents be directed to pay interest on the difference of arrears payable to the applicant at the current market rate of 18% p.a. from the date of retirement till the date of actual payment to the applicant's claim".

2. The brief facts of the case as stated by the applicant are that he was appointed as LDC on 22.4.1963. In due course he was promoted as Head Clerk and he took voluntary retirement on 1.5.1999 on completion of 36 years. According to him, the

respondents have issued the Pension Payment Order on 11.2.2000 fixing the basic pension of the applicant at Rs.2,935/- w.e.f. 1.5.1999. According to the applicant the pension fixed by the respondents is not correct. They have not taken into account the two increments to which he was entitled and thus his pension has been reduced by Rs.150/- per month. He has also submitted that last pay drawn by him at the time of retirement was Rs.6,200/- and as per rules, average salary of last 10 months is taken into account for fixing the pension. Thus, his pension on the average of last pay should have been fixed as Rs.3,085/-.

3. The respondents in their reply have stated that the pay of the applicant was increased to Rs.1720/- w.e.f. 1.5.1993 and Rs.1760/- w.e.f. 1.8.1993. This error was noticed by respondent no.5 at the time of calculation of monthly pension and same error was rectified by them. The respondents have also stated that the applicant's pay for first 2 months should be Rs.5900/- and for remaining eight months, it should be Rs.6050/-. Hence the average pay of last ¹⁰ months comes to Rs.6020/- and half of Rs.6020/- comes to Rs.3010/-, therefore, Rs.3010/- should be applicant's monthly pension. But the respondent no.5 has wrongly fixed the applicant's monthly pension @ Rs.2935/- per month which is Rs.75/- less. Therefore, the applicant is actually in loss of Rs.75/-. This error needs to be rectified and the concerned office has been instructed to revise the pension papers of the applicant and to be sent to respondent no.5 for the purpose of issuance of revised PPO.

4. Heard the learned counsel for the parties.

5. The learned counsel for the applicant has submitted that the applicant was entitled for two increments in the year - one ^{1/2} as the normal increment and the other

on account of his officiation in higher post in different spells. He has also submitted that the respondents have reduced his pension after retirement without issuing him any show cause notice and giving an opportunity of hearing. On the other hand, the learned counsel for the respondents does not deny the fact that the applicant has not been issued any notice before reducing his pension at the time of his retirement. Since the applicant has not been given an opportunity of hearing, the principles of natural justice have been violated by the respondents.

6. In the conspectus of the facts and circumstances mentioned above, we direct the applicant to give a detailed representation regarding reduction in pension and also payment of interest, to the respondents within one month from the date of receipt of a copy of this order. If the applicant complies with this order, then the respondents are directed to decide the representation by passing a speaking, detailed and reasoned order within a period of two months after receipt of the representation from the applicant. The O.A. is disposed of in the above terms. No costs.

G. Shanthappa
(G. Shanthappa)
Judicial Member

M.P. Singh
(M.P. Singh)
Vice Chairman

rkv.

Copy forwarded to 15/1/04
(i) Shri D.M. Kartikar, Adv. for
applicant, Indore.
(ii) Sri Vivek Sardam, Adv. for
respondents -