

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.867/2015

Wednesday, this the 16th November, 2016

Hon'ble Mr. K.N. Shrivastava, Member (A)

Prabhati Lal, aged 78 years (retired)
s/o late Mr. Pandu Ram
r/o E-1644, Netaji Nagar
New Delhi – 23

(Amended memo of parties not filed)

..Applicant

(Ms. Soumyashree Misra, Advocate)

Versus

1. Secretary
Department of Scientific & Industrial Research
Ministry of Science & Technology
Govt. of India
Room No.14B, Administrative Block
Technology Bhawan
New Mehrauli Road
New Delhi – 16
2. Pay & Accounts Officer
Central Pension & Accounting Office
Govt. of India
Trikoot-2, Bhikaji Cama Place
New Delhi – 66

..Respondents

(Mr. Raj Pal and Mr. Ashok Kumar, Advocates)

O R D E R (ORAL)

The applicant, Mr. Prabhati Lal, who is now deceased, had filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 praying for the following specific reliefs:-

“i) direct the respondents implement the order No. 591619500013/1293736/A3 dated 31.7.2013 of the Central Pension Accounting office, Govt. of India.

ii) to direct the pay arrears revise pension from 1.1.2006 upto 31.9.2013 at the rate of Rs.7476 per month and Rs.8145/- w.e.f. 24.9.2012 till date.

iii) Direct the respondent to pay difference of gratuity and commutate pension to the applicant in accordance with law.”

2. During the pendency of the O.A., the applicant died on 18.05.2016.

His son Mr. Rajendra Prasad has been brought on record as the legal heir of the deceased applicant in terms of the order dated 31.08.2016 in M.A. No.2619/2016, though no amended memo of parties has been filed.

3. The brief facts of the case are that the applicant was working as Section Officer in the Department of Scientific & Industrial Research (DSIR) on the date of his retirement, i.e., 31.03.1995. His pension and other pensionary benefits were sanctioned to him. His grievance is that his pension and other pensionary benefits were required to be re-fixed in terms of the Annexure A-3 O.M. No.F. No.38/37/08-P&PW (A) dated 28.01.2003 but the same has not been done.

4. The respondents in their reply have submitted that the applicant had been getting the pension and had got other retiral benefits in terms of the Annexure R-1 authorization letter dated 09/13.02.2012. They have also given the details of such payments at Annexure R-2.

5. When the case was taken up for hearing today, learned counsel for the applicant placed on record a copy of DoPT O.M. No. No.38/37/08-P&PW (A) dated 06.04.2016, according to which the pension of pre-2006 pensioners has been revised, in terms of the Full Bench decision of this

Tribunal dated 01.11.2011 in O.A. No.655/2010 and other connected matters. The relevant portion of the O.M. is extracted hereinbelow:-

“6. The matter has been examined in consultation with the Ministry of Finance (Department of Expenditure). It has now been decided that the revised consolidated pension of pre-2006 pensioners shall not be lower than 50% of the minimum of the pay in the Pay Band and the grade pay (wherever applicable) corresponding to the pre-revised pay scale as per fitment table without pro-rata reduction of pension even if they had qualifying service of less than 33 years at the time of retirement. Accordingly, Para 5 of this Department's OM of even number dated 28.1.2013 would stand deleted. The arrears of revised pension would be payable with effect from 1.1.2006.”

6. The aforementioned O.M. clarifies that the eligible pensioners would be entitled to get arrears of the revised pension w.e.f. 01.01.2006. Learned counsel for respondents fairly submitted that the respondents would be forthcoming to have a relook at the case of the applicant, *vis-a-vis, ibid* O.M. of the DoPT.

7. In this view of the matter, the O.A. is disposed of with a direction to the respondents to revise the pension of the applicant in terms of the DoPT O.M. dated 06.04.2016 and grant the admissible arrears, if any, within three months from the date of receipt of a copy of this order. No order as costs.

(K. N. Shrivastava)
Member (A)

November 16, 2016
/sunil/