

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA No.955/2018 & MA No.1042/2018

This the 27th day of March, 2018

Hon'ble Shri K N Shrivastava, Member(A)

1. Jai Kishan, S/o Late Shri Kanwar Singh
Ex-Stenographer (Grade-I)
Aged 73 years, R/o C/o Sh. P.S. Narang
D-2/24, Tibbia College, Karol Bagh
New Delhi-110005.
2. A.K. Mishra, S/o Late Shri K.M. Mishra
Retired Grade-I (DASS) Supdt.
Aged 72 years
R/o H. No. 177, Sector-2B
Vasimdhara, Ghaziabad
U.P.-201012. ...Applicant

(By Advocate: Shri Sagar Saxena)

Versus

1. The Lt. Governor
Govt. of NCT of Delhi
6, Raj Niwas, Delhi-54.
2. The Spl. Secretary
Services Department
Govt. of NCT of Delhi
7th Level, B-Wing, Delhi Secretariat
I.P. Estate, New Delhi-110002.
3. The Secretary
Directorate of Education
Govt. of NCT of Delhi
Old Secretariat
Delhi-110054.
4. The Principal (HOD)/Director(AYUSH)
A&U, Tibbia College
Govt. of NCT of Delhi
Karol Bagh, New Delhi-5.Respondents

O R D E R (ORAL)**MA No.1042/2018**

This Application, filed for joining together, is allowed.

OA No.955/2018

Through the medium of this OA filed under Section 19 of Administrative Tribunals Act, 1985, the applicants have prayed for the following main relief:-

"a) Direct the respondents for grant of extension of benefit of Orders No.56 & 57 dated 3.2.2015 and pay enhanced pension to the applicants and other Delhi Govt. Pensioners in terms of Orders No. 56 & 57 dated 3.2.2015."

2. Both the applicants are retired employees of Govt. of NCT of Delhi-respondents. The applicant No.1 retired on 30.11.2004 from the post of Steno Grade-I/Sr. P.A., whereas applicant No.2 retired on 31.10.2005 from the post of Office Superintendent/Grade-I DASS. The grievance of the applicants is that despite a clarification issued by the Service Department of Govt. of NCT of Delhi, vide Annexure A-1 order dated 21.11.2017 addressed to the applicant No.1 and similar order of even date to applicant No.2, their revision of pension has not been done by the respondents in terms of Order Nos.56 and 57 dated 03.02.2015 of GNCTD. The relevant para of these letters is extracted below:-

"In this regard it is informed that earlier the matter had been examined in consultation with the Finance Department. The Finance

Department informed that vide Endorsement dated 25.03.2013 and 26.08.2015 they had already endorsed the relevant OMs issued by the DOPT/Ministry of Finance on this subject. The Services Department vide letter dated 27.07.2016 (copy enclosed) again endorsed these OMs to all the Pr. Secretaries/Secretaries/Spl. Secretaries/ Addl. Secretaries/ HODs of Govt. of NCT of Delhi with further request to bring these OMs into the notice of all concerned for taking further necessary action while settling/revising pension of pre-2006 pensioners."

3. Shri Sagar Saxena, learned counsel for the applicants has submitted that the applicants have made identical representations both dated 28.06.2017 (Annexure A-22 and A-23) seeking revision of their pension in terms of the Order Nos.56 and 57 dated 03.02.2015 of GNCTD. He has further submitted that although with reference to these representations the respondent replied to the applicants vide letter dated 21.11.2017 (Annexure A-1 colly), but the pension of the applicants has not been revised in terms of Order Nos.56 and 57 dated 03.02.2015 of the respondents. As such, the representations have not been disposed of in substantial terms. Shri Saxena has submitted that the applicants would be satisfied if a time bound direction is given to the respondents to dispose of the pending representations of the applicants in substantive terms, in accordance with respondents' own Order Nos.56 and 57 dated 03.02.2015.

4. Having regard to the submissions made and without going into the merits of the case, this OA is disposed of with a direction to the respondents to dispose of the pending Annexure A-22 and A-23 representations of the applicants in substantive terms keeping in view the respondent's own order Nos. 56 and 57 dated 03.02.2015 *vis-à-vis* their request for revision of their pension. This shall be done within a period of two months from the date of receipt of a copy of this order. Needless to say that the applicants shall have the liberty to take recourse to appropriate remedy as available to them under law in case they remain dis-satisfied with the orders of the respondents.

(K. N. Shrivastava)
Member (A)

/vb/