

**Central Administrative Tribunal
Principal Bench**

OA No.4172/2015

New Delhi this the 15th day of December, 2017.

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

D.N. Sharma, aged about 85 years,
Ex. Administrative Officer,
Doordarshan-Gorakhpur (Retd.)
(IRLA No. I & B/PAO/IRLA/88/1449)
Permanent Address:- A-15, Krishna Puram,
Mathura (U.P)
Present R/O:- C/O Sh. Raghupati Lal Sharma,
WZ-106/14, Rajori Garden Extension,
New Delhi.

-Applicant

(By Advocate: Shri V.K. Sharma)

Versus

1. Union of India
Through The Secretary to the Govt. of India,
Ministry of Information & Broadcasting,
Shastri Bhawan, New Delhi.
2. The Director General Doordarshan,
Doordarshan Bhawan, Copernicus Marg,
New Delhi.
3. The Station Director,
Doordarshan Kendra, Gorakhpur (U.P)
4. The Pay & Accounts Officer (Doordarshan),
Akashvani Bhawan, Room No. 428-A,
Parliament Street, New Delhi.
5. The Pay & Accounts Officer,
Central Pension Accounting Office,
Govt. of India, Trikoot-2,
Bhikaji Cama Palace, New Delhi.
6. The Senior Accounts Officer,
Pay & Accounts Officer [IRLA]
Ministry of Information & Broadcasting,
C.G.O., Complex, Lodhi Road,

New Delhi.

-Respondents

(By Advocate: Shri Rajeev Sharma with
Ms. Radha Lakshmi R.)

ORDER (ORAL)

The applicant retired from the post of Administrative Officer, Doordarshan Kendra, Gorakhpur, UP, on 31.03.1988. His date of birth is 10.03.1930.

2. Through the medium of this OA the applicant has prayed for the following reliefs:

“[a] That in the light of Hon’ble Tribunal’s Impugned Order dt. 21.04.2015 (ANNEXURE A-1), he may be paid arrears of Pension for the short fall period of two years w.e.f. 01.01.2006 uptil date monthly pension is last paid to him during the current year 2015-16, within a time bound period in the light of similarly decided cases.

[b] The Respondents may kindly be directed to settle payment of these arrears within a given time bound period allowed to them on passing final order in this O.A., by the Hon’ble Tribunal, failing which they may be subjected to penal interest at market rate for the period of delay.”

3. The Tribunal on the issue of fixation of pension of the pre-2006 retirees following implementation of the 6th CPC recommendations, relying on various judgments of Hon’ble Supreme Court, in OA No.1165/2011 with OA No.2165/2011 & OA No.247/2015 vide order dated 21.04.2015 (Annexure A-1) has held as under:

“12. In view of the judgments of the Honble Supreme Court in D.S. Nakara (supra), V. Kasturi (supra), T.S. Thiruvengadam (supra) and order of the Full Bench of the Tribunal in OA 937/2010 with OA 2101/2010 dated 20.11.2014, we are of the opinion that the prayer in the OAs is fully justified. We, therefore, quash and set aside the impugned orders dated 3.10.2008 and 19.03.2010 being violative of law laid down by the Honble Supreme Court and direct the respondents that the qualifying service for earning full pension will be treated as

twenty years also for those who retired from the Central Government service on or before 31.12.2005 and were alive on that day. The respondents are also directed to modify/amend all relevant government orders/ letters/ notifications in accordance with the above decision. It is made clear that this parity of pension between pre and post-1.01.2006 pensioners (on the question of eligibility of minimum pensionable service of twenty years) would apply both as regards pension and family pension. The respondents are granted three monthstime from the date of receipt of this order for implementation of directions contained in this order.”

4. The Department of Personnel & Training (DoP&T) Govt. of India on the issue of fixation of pension of pre-2006 retirees vide OM No.38/37/08-P&PW (A), dated 06.04.2016 (Annexure-B, page 46) has clarified as under:

“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 28.01.2013 would stand deleted. The arrears of revised pension would be payable with effect from 1.1.2006.”

5. In the ibid OM of DoPT, the requirement of qualifying service of 33 years has been done away with and in respect of pensioners including pre-2006 retirees, the effective date for re-fixation of pension in terms of 6th CPC recommendations has been prescribed as 01.01.2006.

6. The learned counsel for the respondents placed on record today a letter of 10.05.2016 of Pay and Accounts Office, addressed to Prasar Bharti, enclosing therewith revised PPO dated 09.05.2016 in respect of the applicant, according to which the

applicant's pension has been revised at Rs.8145/- w.e.f. 1.1.2006. Thus, the relief claimed by the applicant in this OA stands granted.

7. Learned counsel for the applicant, however, submitted that the applicant has attained the age of 87 years and hence in terms of Rule 49 (2-A) of the CCS (Pension) Rules, he is entitled for additional pension @ 30% of the basic pension. This aspect will be examined by the respondents for grant of additional pension to the applicant in terms of this Rule.

8. The OA is accordingly disposed of. No costs.

(K.N. Shrivastava)
Member (A)

cc.