

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA 4562/2017

This the 28th day of November, 2018

Hon'ble Mr. Pradeep Kumar, Member (A)

Sri Laxmi Narayan Gupta
S/o Late Sri Narayan Lal Gupta
R/o 103, Revenue Nagar, Bicholi Hapsi Road,
Post-Kanadia, Indore-452016 (M.P.)Applicant

(By advocate: Mr. Sanjeev Kumar)

Versus

1. Union of India
Through Secretary
Ministry of Human Resources Development
1, West Block, R.K. Puram, New Delhi
2. Union of India
Through Secretary
Department of Pension and
Pensioners Welfare,
Lok Nayak Bhawan, Khan Market
New Delhi-110003
3. The Commissioner,
Kendriya Vidyalaya Sangathan (HQ)
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi-110016Respondents

(By advocate: Mr. Sandeep Tyagi for R-1 and 2)
(Mr. U.N. Singh for R-3)

ORDER (ORAL)

Heard Mr. Sanjeev Kumar, counsel for applicant and Mr. Sandeep Tyagi, counsel for respondents No. 1 & 2 and Mr. U.N. Singh, counsel for respondent No. 3.

2. The applicant had retired as a Principal from Kendriya Vidyalaya Sangathan on 30.06.2005. He was working in the scale of Rs. 10,000-325-15,200/- at that time and the pension has been fixed accordingly. With implementation of 6th Central Pay Commission, the Principals were given an upgraded scale of Rs. 12000-16500. The Applicant pleads that his pension is required to be fixed in the scale of Rs. 12000-16500/- w.e.f 01.01.2006 when 6th Central Pay Commission came into force.

This pension was granted to him earlier by the Respondents w.e.f 2012 and when he represented that this is actually to be paid from 2006, the respondents revised the pension to an equivalent grade of Rs. 10000-325-15200 only w.e.f 01.01.2006.

On subsequent query, the applicant was also advised the reasons of such reduction as seen from the Respondents letter dated 22.12.2016, wherein relevant instructions and OMs were also quoted. Being aggrieved, the instant OA was filed.

3. In this OA even though the higher pension has been pleaded, yet neither has any Rule been quoted in support nor has any of the relevant OMs been challenged.

The only thing quoted in support, is a decision by the Tribunal in OA No. 2943/2017, wherein judgment was pronounced on 03.08.2018.

4. Matter was heard at some length. This judgment by Tribunal is in the context of a Principal working in Delhi Government, whereas

the present applicant is working under Kendriya Vidyalaya and as such he is a Central Government employee.

On further discussion the applicant desired to withdraw the OA with liberty to submit a revised OA.

5. The applicant is allowed to withdraw the OA and hence the OA is dismissed as withdrawn. The applicant will have liberty to file a fresh OA if needed. No costs.

(Pradeep Kumar)
Member (A)

/daya/