

**Central Administrative Tribunal
Principal Bench**

OA No. 294/2016

This the 14th day of August, 2018

***Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)***

Sh. Amrik Singh, IAS Retd.,
Aged 83 years,
S/o Late Sh. Pritam Singh,
R/o House No.6/281,
Sant Nirankari Colony,
Delhi-110009.

... Applicant

(By Advocate: Sh. R.K.Kapoor with Sh. Kheyali Sarkar)

Versus

1. Union of India
Through the Secretary,
Ministry of Personnel, Public Grievances & Pensions,
North Block,
New Delhi.
2. State of Punjab,
Through the Chief Secretary/
Secretary, Deptt. of Personnel, Punjab,
Civil Secretariat,
Chandigarh.

... Respondents

(By Advocate: Sh. R.K.Sharma for respondent no.1 and
Sh. Gaurav M. Liberhan for respondent no.2)

ORDER (ORAL)**By Justice L.Narasimha Reddy, Chairman**

The applicant was a member of Punjab Civil Service (PCS). He was promoted to IAS in the year 1977 and he was kept on probation. At a time when he was sought to be reverted by the appointing authority to the PCS, he moved the Tribunal by instituting OAs one after the other. Ultimately, he retired from service on attaining the age of superannuation on 31.10.1990.

2. After applicant retired from service, one of the OAs filed by him which was a part of batch cases was disposed of, giving him option to revert to PCS, or to remain in IAS. Applicant exercised the option to be reverted to PCS. When the option was not given full effect to, he filed contempt petition no.56/1996 in OA No.1227/1989 in Chandigarh Bench of the Tribunal. In view of the orders passed therein, the respondents – Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, passed an order dated 27.09.1996 reverting the applicant to State Civil Service and that remained till the date of his superannuation. On retirement, he was paid pension, that is permissible to a member of PCS.

3. Applicant made a representation dated 13.05.2015 with a prayer to extend him the pension that is payable to super time scale

of IAS in terms of OM dated 28.01.2013. Through a communication dated 27.07.2015, the Ministry informed the applicant that his request cannot be acceded to, since he was reverted to State Civil Service on exercise of option by him. The same is challenged in this OA. Applicant contends that once he continued in IAS till age of superannuation there is no justification for denying him super time scale of IAS and the question of reversion to State Civil Service, that too after retirement does not arise.

4. Respondents filed a detailed counter affidavit giving chronological events. It is stated that though the applicant was promoted to IAS in 1977 and kept on probation, his performance was evaluated and when he was sought to be reverted to PCS, he filed an OA and continued in IAS on the strength of interim orders. It is submitted that whatever may have been, the attempts made by the respondents to revert the applicant to PCS and the circumstances under which he continued in IAS on the strength of interim orders the applicant could have reaped the benefit, but for the fact that he persisted on being reverted to PCS, once that was done that too under threat of contempt, he cannot claim to be in IAS.

5. We heard Sh. R.K.Kapoor, learned counsel for applicant and Sh. R.K.Sharma and Sh. Gaurva M. Liberhan, learned counsel for respondents in detail.

6. This is a typical case where, if at all any one, the applicant has to blame himself and nobody else, for denial of pension payable to an IAS Officer. Strictly speaking he got an order which was totally adverse to his interest, not only by approaching the Court but also almost at the point of knife.

7. It is a matter of record that the applicant was promoted to IAS in the year 1977 and was put on probation. Attempt was made by the respondents to revert him to PCS on the evaluation of his performance. The applicant and other similarly situated persons filed OAs in the Tribunal. All of them continued in the same positions on the strength of interim orders. The applicant retired from service even when those OAs were pending. On an overall consideration of the batch of cases, the Bench passed an order in the year 1995 directing the applicant to give option to either to revert to PCS or remain in IAS.

8. The applicant took a conscious and informed decision to opt for PCS. The other option would have lead to several complications such as evaluation of fitness, confirmation etc. It appears that the respondents were under certain doubt as to whether it was in the interest of any one, to revert the applicant to PCS, a year after he retired from service. However, the applicant was very particular

that he be sent to PCS and he filed a CP. Left with no alternative, respondents reverted him through an order dated 27.09.1996, and thereafter complied with the orders passed in OA filed by the applicant. The applicant has stripped himself, of the benefit of being in IAS, at least notionally.

9. Assuming that he realised at a later point of time that the order was to his detriment, he was supposed to react and retreat immediately. However, it is long thereafter, that he filed a representation to the respondents with a prayer to sanction him the pension payable to an IAS officer. That was rightly rejected. Once the order passed in 1996 reverting the applicant to State Civil Service has attained finality, the question of his being extended the IAS pension does not arise. OA is accordingly dismissed. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L.Narasimha Reddy)
Chairman

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