

**Central Administrative Tribunal
Principal Bench**

OA No.4346/2015

New Delhi this the 2nd day of August, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)

Shri VK Wadhwa,
S/o Sh. Hans Raj Wadhwa,
Aged about 75 years,
Post: Ex Accountant
R/o C-1, A-43C, Janakpuri,
New Delhi-110058

- Applicant

(By Advocate: Mr. TN Tripathi)

Versus

1. Union of India
Through Secretary,
Ministry of Urban Development,
B-Wing, Nirman Bhawan,
New Delhi
2. The Director,
Directorate of Printing,
B-Wing, Nirman Bhawan,
New Delhi

- Respondents

(By Advocate: Mr. Shamsuddin Khan)

ORDER (Oral)

The applicant has filed this Original Application (OA)
seeking the following reliefs:-

- “a. Grant/extend the benefit of the scale of Rs.5500-9000/- to the applicant w.e.f. 01.01.1996 with all consequential benefits in the interest of justice.
- b. pass any other order/orders which this Hon'ble Court may deem fit and proper in the fact and circumstances of the present case.”

2. The applicant, Ex-Accountant in Govt. of India Press, has filed this OA seeking similar benefits from the order of the Tribunal dated 24.08.2009 in OA No. 1905/2008 upheld by the Hon'ble High Court of Delhi vide order dated 27.04.2010 In Writ Petition (Civil) No. 2824/2010 as well as order dated 02.12.2002 in OA No. 997/2001 affirmed by Hon'ble High Court in WP(C) No.19797/2003 and upheld by Hon'ble Supreme Court vide order dated 13.07.2013 in SLP No. 20820/2006. In reply to his claim, he had received the order dated 15.05.2015 which states as under:-

“.....that Sh. Wadhaw was appointed to the post of Accountant on 24.01.1994 on the basis of RRs of 1992. Hence, Sh. VK. Wadhaw is not similarly situated to Sh. CNG Pillai.

2. Also the benefits as per subject cited above are given to the applicant who are either similarly situated to Sh. CNG Pillai or appointed after Sh. CNG Pillai. But these benefits cannot be provided to Sh. V.K. Wadhaw who was appointed prior to Sh. CNG Pillai.”

3. The applicant contends that he is entitled to receive the similar benefits as have been granted to similarly situated persons of OA No. 1905/2008 and OA No. 997/2001, which have been denied by the respondents illegally. His representation dated 31.07.2010 seeking similar benefits of pay scale of Rs.5500-9000/- along with consequential benefits w.e.f. 01.01.1996 has been

wrongfully denied by the respondents. He also states that in reply to his legal notice, the respondents have intimated vide letter dated 24.02.2015 that the matter was referred to the Ministry of Finance, for taking its approval and, therefore, he would be intimated in due course of time.

4. The respondents, in their reply, have stated that the grant of benefit of upgraded pay scale of Rs.5500-9000 to the applicant, in consultation with Ministry of Finance, Dept. of Expenditure, has made him entitled to all the consequential benefits of pay fixation and payment of arrears of pay, pension, gratuity etc. from the GIP, Mayapuri. The GIP, Mayapuri, in pursuance of the OM No.14/10/2016-A-IV dated 19.01.2017 of respondent no.2, issued office order dated 31.01.2017 and granted the pre-revised pay scale of Rs.5500-9000 to the applicant, Ex-Accountant, GIP, w.e.f. 01.01.1996 with all consequential benefits. It is further stated that GIP, Mayapuri also issued office order dated 01.02.2017 and re-fixed the upgraded pay scale of the applicant. Accordingly, the Pay & Accounts Office, on the basis of the aforesaid orders dated 31.01.2017 and 01.02.2017, issued the revised pension and the DCRG vide order dated 17.03.2017. However, due to some changes in the

aforesaid revised order, the Pay & Accounts Office issued corrigendum pension order dated 30.03.2017.

5. In reply to the counter affidavit, the applicant claims that the revised pension w.e.f. 1.6.2000 to 31.12.2005 has not been correctly calculated by the respondents. Similarly, in para 4(b), the additional DCRG payable to the applicant which is though correctly calculated by the respondents i.e. Rs.25017, but the respondents have credited only 4554 in the PPO of the applicant.

6. Both sides were heard and record perused.

7. Quite clearly, the respondents have informed that they have revised the pension of the applicant and the applicant also accepts the same. Now the only issue left is as to whether the respondents have correctly calculated and fixed the pay of the pension of the applicant. It is seen from the rejoinder filed by the applicant that he is asking for proper fixation of the pension as per the below chart:-

Date	Wrongly Fixed/Paid (Rs.)	Correct Fixation of the Pension (Rs)
No leave encashment was paid which is approx. Rs.35000/-		
No TA/DA was paid to the applicant when the applicant gone on official duty Pune in		

National Book Fair with his team of 5 persons (paid only 5000/-)		
Ten months emoluments were wrongly calculated.		

Quite clearly, no period of leave encashment is mentioned in the above claim. TA/DA cannot be said to be a part of pension claim and 'some months emoluments' are shown as wrongly calculated but which month is not stated. In the absence of clear cut information to the respondents, they cannot pass any order on the claims of the applicant.

8. In view of the above, the applicant is directed to make a representation to the respondents clearly stating his claim for proper fixation of pension within a period of two weeks and thereafter respondents are directed to pass a reasoned and speaking order thereon, within a period of 30 days. Accordingly, the OA stands disposed of. No costs.

**(NITA CHOWDHURY)
MEMBER (A)**

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