

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
Order reserved on: 09.08.2018

ORIGINAL APPLICATION NO. 060/00643/2017

Chandigarh, this the 16th day of August, 2018

...
CORAM: HON'BLE MRS. P. GOPINATH, MEMBER (A)

...
Gopal Krishan Kad, aged 78 s/o Shri Lahori Ram, House No. 1214, Street No. 8, Hussainpura, Amritsar, Punjab – 143001.

....Applicant

By Advocate: Sh. Sukhandeep Singh

VERSUS

1. Union of India through Secretary to the Government of India, Ministry of Railways, Federation of Railway Officer's Office, 256-A, Rail Bhawan, Raisina Road, New Delhi – 110 001.
2. Northern Railways, through Chief Personnel Officer, Headquarters Office, Baroda House, New Delhi – 110 001.
3. The Divisional Railway Manager, Northern Railways, Firozepur, Punjab – 152 001.
4. The Divisional Personnel Officer (Pension), Northern Railways, Firozepur, Punjab – 152001.

....Respondents

By Advocate: Sh. Suresh Verma

ORDER

MRS. P. GOPINATH, MEMBER(A):-

Applicant who was working as a Chief Booking Supervisor, retired from service on 30.06.1996 in scale of pay Rs. 2000-3200. The pay drawn by the applicant in this pay scale at the time of retirement was Rs. 2375 and his pension was fixed based on ten months' average pay as per rule prevalent at that time. The pay of the applicant in Fifth CPC was fixed in replacement scale of Rs.

6500-10500, being the equivalent scale of Rs. 2000-3200 drawn by applicant while in service. The equivalent of the last pay drawn i.e. Rs. 2375 in Fifth CPC was Rs. 7300 and pension was fixed at Rs. 3561 + DA.

2. Applicant has no dispute about the fact that the last pay drawn by him was Rs. 2375. As per Table 25 of the 5th CPC, the replacement pay for Rs. 2375 is Rs. 7300 and there can be no dispute on this matter.

3. The applicant argues that his basic pay be taken as Rs. 2375 instead of Rs. 2300 and he be given a Grade Pay of Rs. 4600. On a perusal of V CPC pay scale tables, we note that pay of Rs. 2375 can be drawn in the pay scale of Rs. 2000-3200/2000-3500 at stage 7, and also at the start of pay scale Rs. 2375-3750, a scale of pay which applicant has not reached or drawn in his service career at the time of retirement. Applicant was drawing Rs. 2375 at stage 7 in the scale of Rs. 2000-3200/2000-3500.

4. Going by the applicant's contention that he was drawing a pay of Rs. 2375 in the 4th CPC, his equivalent pay in V CPC would fall at stage 7 and would be Rs. 7300. The replacement scale of 7300 in 6th CPC would be Rs. 9300-34800 with Grade Pay of Rs. 4200. This inference is drawn from 6th CPC Table of Revised Pension issued by the Department of Pension and Pensioners Welfare produced as Annexure R-3. The applicant having drawn Rs. 2375 in scale of pay of Rs. 2000-3200, his pay in 5th CPC being fixed at Rs. 7300 in scale of pay Rs. 6500-10500, the 6th CPC equivalent scale

would therefore be Rs. 9300-34800 with Grade Pay of Rs. 4200 and not Rs. 4600 as contended by the applicant.

5. Applicant admits to receiving a sum of Rs. 18,303 on account of arrears of pension on 14.06.2016 and Rs. 18,242 on account of arrears of pension on 30.08.2016.

6. Applicant's main argument is that his last pay of Rs. 2375 should be fixed as Rs. 7500, and not as Rs. 7300 as contended by the respondents. During the course of arguments, it was revealed that as per Table 25 of 5th CPC, pay scale of Rs. 2000-3200 and Rs. 2000-3500 were merged into one pay scale in 5th CPC pay scale of Rs. 6500-10,500 as reflected in Table 25 of the 5th CPC Table of Fixation of Pay. Applicant admits in para 4(i) of the OA that he was drawing a pay of Rs. 2375 at the time of retirement. So, there is no dispute on last pay drawn. As per table 25 of 5th CPC Table of Fixation of Pay, the 5th CPC pay of Rs. 2375 in scale Rs. 2000-3200 was revised to Rs. 7300 and this is confirmed by the respondents in Annexure A-9, Revised Pension Payment Advice issued to State Bank of India on 05.05.2010 wherein in Row 4, applicant's revised pay as per 6TH CPC is shown as Rs. 6500-10,500 fixed on the basis of the V CPC pay fixed as Rs. 7300. The above pay fixation is also affirmed by Department of Pension and Pensioners Welfare Revised Pension Table which states at Sr. No. 13 that pay scale of Rs. 2000-3200 of 4th CPC was revised to Rs. 6500-10,500 by 5th CPC and was further revised by 6th CPC to Rs. 9300-34800 with Grade Pay of Rs. 4200. The very same table at Serial No. 14 also says that Grade Pay

of Rs. 4600 is for 4th CPC pay scale Rs. 2375-3500 and 2375-3750, a pay scale not ever drawn by the applicant. Hence, the correction of Grade Pay from Rs. 4600 to Rs. 4200 in Annexure A-9, Revised Pension Payment Advice has been correctly made, as the pay drawn by applicant at the time of retirement, did not in 6th CPC entitle or provide for Grade Pay of Rs. 4600 as argued by applicant.

7. The prayer of applicant that his pay be taken as Rs. 2375 instead of Rs. 2300 has never been contested by respondents and in para 2 of reply statement of 3rd respondent, they admit that pay at the time of retirement was Rs. 2375. This is the pay taken by respondent in Annexure 9, Revised Pension Payment Advice. However, the prayer for Grade Pay Rs. 4600 is not admissible as it is the Grade Pay for a pay scale higher than the pay scale drawn by the applicant at the time of retirement.

8. For the aforesaid reasons, I close the OA with the direction that if any sum of money is due to the applicant as ordered in para 7 above, the same be paid within 30 days. If any excess payment has been made, the same cannot be recovered in view of Apex Court judgement in **State of Punjab & Ors. Vs. Rafiq Masih and Others, SCT 2015(1) 195.**

9. OA stands disposed of accordingly with no order as to costs.

**(P. GOPINATH)
MEMBER (A)**

Dated:
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