

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD.**

**OA No.502/2018 with MA No.421/2018**

**This the 07<sup>th</sup> day of December, 2018**

**Coram : Hon'ble Ms. Archana Nigam, Administrative Member  
Hon'ble Shri M.C.Verma, Judicial Member**

1. Mukundlal Muljibhai Shah  
Adult, Hindu, Aged: 85 years.  
Res at: 15/A Shalimar Park 2,  
B/h Uday Clinic, Opp Suryanagar,  
Waghodia Road,  
Vadodara - 390 019.
2. Bhailalbhai M Bhatt.  
Adult Hindu Male Aged: 85 Years  
Res at: 9<sup>th</sup> Floor Aaradhn a Flats,  
Judges Bungalow Road,  
Ahmedabad – 380054.
3. MaheshChandra Jevaram Purohit  
Adult Hindu Male Aged: 80 Years  
Res at:C/208 Prajit Appartment.  
Umara Gam Road,  
Opp. Vrundavan Bungalows,  
Surat, 395007
4. Pushkar B Raval  
Adult Hindu Male Aged: 81 Years  
Res at: 26, Jaybhavani Society  
Opp. Malav Talav,  
Jivraj Park,  
Ahmedabad – 380051.

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5. Tai Noorbhai Sharifbhai  
Adult Hindu Male Aged: 79 Years  
Res at: 119, Memon Colony,  
Opp. Panigate, Water Tank,  
Ajwa Road,  
Vadodara, Gujarat – 390019
6. Alesheen S Dias  
Adult Hindu Male Aged: 81 Years  
Res at: Krishna Niwas,  
Juna Modi, Khana, Fategunj,  
Vadodara – 380007.
7. Anantraï Girajshankar Raval  
Adult Hindu Male Aged: 80 Years  
Res at: 71-a, Yogeshwar Society,  
Bhatta, Paldi,  
Ahmedabad – 380007
8. Arvind Muljibhai Zala  
Adult Hindu Male Aged: 78 Years  
Rea at: 6 A Rakesh Society  
Shantivan Bus stand,  
Narayan Nagar, Paldi,  
Ahmedabad – 380001.
9. Chandrakant N Vyas  
Adult Hindu Male Aged: 83 Years  
Res at: 54, Satyakam Society,  
S.M.Road, Near Nehrunagar Circle,  
Ambavadi,  
Ahmedabad – 380015.
10. Ishwarbhai Chunilal Thakkar,  
Adult Hindu Male Aged: 84 Years  
Res at: 26, Ravikiran Co. Op. Housing Society,  
Opp. Vrundavan Flats,  
Vasna, Ahmedabad – 380007

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11. Maheshchandra Fulabhai Mehta  
Adult Hindu Male Aged: 80 Years  
Res at: 263/ sector III K K Nagar,  
Ghatlodia,  
Ahmedabad – 380014
12. Manikant Gaurishankar Trivedi  
Adult Hindu Male Aged: 82 Years  
Res at: : 263/ sector III K K Nagar,  
Ghatlodia,  
Ahmedabad – 380014
13. Mukund Anandrao Kemkar  
Adult Hindu Male Aged: 82 Years  
Res at: N-190/ Sector – 3,  
K.K. Nagar, Ghatlodia,  
Ahmedabad – 380061
14. Purshottam Babarbai Patel  
Adult Hindu Male Aged: 83 Years  
Res at: Sima Park flat,  
Near Karachi Hotel,  
Maninagar (west),  
Ahmedabad – 380008
15. Randive Balachandra D  
Adult Hindu Male Aged: 83 Years  
Res at: “Shreepad”, Tilolnagar Housing Society,  
Opp. Navjivan Housing Board Quater,  
Ajwa Road, Vadodara,  
Gujarat – 390019
16. Ravindra Nathubhai Desai  
Adult Hindu Male Aged: 81 Years  
Res at: D/ 102, Pramukh Darsan Appartment,  
Near, Mahalaxmi Temple,  
Anandmahal Road, Adajan,  
Surat - 395009

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17. Vanrajsinh S Chudasama  
Adult Hindu Male Aged: 80 Years  
Res at: 8, Guru Govindbaug Society,  
Opp. Graeirs Market,  
Maninagar (E)  
Ahmedabad – 380008
18. Vipinchandra B Vaidya  
Adult Hindu Male Aged: 84 Years  
Res at: 2010 Nisha Apartment,  
Opp. Priyadarshini Towers,  
Judges Bungalow Road,  
Ahmedabad – 380054
19. J.R.Parikh  
Adult Hindu Male Aged: 81 Years  
Res at: Indira House, B/15  
Associated Society Opp Tube Company  
J P Road Vadodara – 390020 ..... Applicants

( By Advocate : Shri Hasif Dave)

**VERSUS**

1. The Union of India  
Through the Ministry of Personnel PG & Pension,  
Department of Pension & Pensioners  
3<sup>rd</sup> Floor Loknayak Bhavan  
Khan Market New Delhi – 110003
2. The Director Ministry of Finance  
Department of Expenditure  
Implementation Cell (Room no.76)  
New Delhi – 110001
3. The Pay and Accounts Officer  
Central Excise Building

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3<sup>rd</sup> Floor Race Course Circle  
Vadodara – 390007

4. The Commissioner of Central Excise and Customs,  
Customs House,  
Near All India Radio,  
Navrangpura,  
Ahmedabad – 380009
5. The Commissioner of Central Excise & Customs,  
Central Excise Building,  
1<sup>st</sup> Floor Race Course Circle,  
Vadodara 390007. .... Respondents

**ORDER – ORAL**

**Per : Hon’ble Shri M.C.Verma, Member (J)**

Applicants, who are nineteen in number and are retired employees of respondents have preferred this OA, alongwith application for permission to allow to file OA jointly. The grievance of the applicant is that their pension has not been revised as per recommendation of 6<sup>th</sup> and 7<sup>th</sup> Central Pay Commission whereas the said benefit of said recommendation has been extended to similarly situated other retired employees.

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It has also been pleaded that, on 06.9.2017, applicant No.1 preferred representation but same is still pending disposal. The prayer, mutates mutandies, as has been made is to direct the respondents to fix and sanction the revised pension w.e.f. 1.1.2016, as per recommendation of the grant arrears with interest.

2. Matter is at the stage of notice. Heard. MA No. 421/2018 for Joint Application has been preferred by the applicants. Cause of action and nature of relief sought for is same, hence, in interest of justice, applicants are allowed to prefer one single application, meant to say OA. MA No.421/2018 stands allowed.

3. On last date after hearing the matter at considerable length, a detailed order was passed, which reads : “*Heard in part. Learned counsel was requested to specify the impugned Order/Orders and to explain how it/they relates to the*

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*prayer made in the OA. Learned counsel submits that some infirmities remained in the OA and he wants to prefer MA for amendment. He request for adjournment. Considered the submissions. The request for time, as has been prayed, is allowed. Registry is directed that if MA for amendment is filed by the applicant and if MA filed is free from defects or upon removing of the defects, in case, it is having some defects it be put up before the Bench, immediately. If no application for amendment is filed or application having defects is filed and defect is not removed, in either of said case, matter be put up before the Bench on 07.12.2018."*

4. No application for amendment has been filed. Attention of learned counsel was drawn to the query raised on previous date and he submitted that applicants have given representation to the respondents on 06.9.2017 and that said representation has not yet been decided by the Authority.

5. Learned counsel while pressing the OA pointed out that applicants are old persons and each of them is above 78 years of age, they are having impairment because of their old age and that their case needs to be considered sympathetically by the Respondents Authority. One of the applicants of this OA (Applicant No.1, Shri Mukund Lal Shah) has represented to respondents on 06.9.2017, for revision of the pension as per 6<sup>th</sup> and 7<sup>th</sup> Pay Commissions. Learned counsel took us to the English version of said representation, which is at page 85(A) of OA. The transcribed version is only of two paragraph, which for sake of brevity, we want to reproduce, verbatim : “1. I was retired as Supt. C.Ex. And Customs from Vadodara HQ in 30.1.1995. The particulars of last pay were Rs.2052/- and pay band Rs.2050-2300-75-3200-100-3500. Accordingly, the pension was fixed at Rs. 1330 and family pension at 582. 2. Subsequently the GOI issued instructions to revise the pension under the provisions GOI OM dated 21.4.2004 and 22.4.2004 and prescribed as under one rule and directed to immediate effect to the same.”

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6. Upon query that said representation appears to be incomplete it is submitted by learned counsel that it was consisted of two sheets but second sheet, could not be attached with the file as it was not given by applicants and perhaps was untraceable.

7. Considered the entirety. Applicants have retired prior to year 2006 and therefore must be of age more than 70 years and learned counsel has informed that they have crossed age of 78 years and are suffering from many health problems. In overall view a compassionate approach needs to handle such matter. Taking note of entirety, we are of the view that rather to issue notice on OA, it would be appropriate to do whole justice, to direct the respondents to consider and take decision on representation of applicant.

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8. Pleadings of OA show that representation was given by applicant No.1. It is not clear whether other applicants has or has not given the representation. Applicants thus are given liberty to file fresh representation, if earlier no representation was filed by them, they may file representation as to supplement their previous representation, if any, was filed but all this be done within fifteen days.

9. Accordingly, Respondents are directed to consider and take decision on representation of applicant/ applicants, if any is pending or on representation if any is filed by applicants before expiry of fifteen days from date of this order. This exercise of consideration and taking of decision by respondents must be completed by respondents within three months after expiry of 15 days of passing of this order or from the date when respondents received the copy of this order, whichever is later.

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10. With this observation and direction, the OA stands disposed of. MA No.421/2018 also stands disposed off.

**(M.C.Verma)**  
**Member (J)**

**(Archana Nigam)**  
**Member (A)**

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