

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH : BANGALORE

ORIGINAL APPLICATION No. 170/00036/2018

TODAY, THIS THE 7TH DAY OF DECEMBER, 2018

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE SHRI DINESH SHARMA, ADMINISTRATIVE MEMBER**

N. Manoharan
S/o Late V.P. Nallaswamy,
Aged 76 years, retired as
Office Superintendent Grade-1,
Railway Workshop,
South Western Railway,
Ashokapuram, Mysuru – 570 008
Residing at 912, 1st Floor,
Vijayanagar 1st Stage,
Mysuru – 570 017

....Applicant

(By Advocate Shri A.R. Holla)

Vs.

1. Union of India,
By Secretary,
Ministry of Railways,
Railway Board,
Rail Bhavan,
New Delhi – 110 001

2. The General Manager,
South Western Railway,
Hubli – 580 020

3. The Workshop Personnel Officer,
South Western Railway,
Ashokapuram,
Mysuru – 570 008

.....Respondents

(By Shri N. Amaresh, Senior Panel Counsel)

ORDER**Hon'bleShri Dinesh Sharma, Administrative Member**

The request of the applicant is that his pension should be revised taking into consideration Rs. 4600/- as Grade Pay with effect from 1.1.2006. His claim is based on Railway Board Circular RBE No. 108/2008 dated 11.09.2008 (Annexure A-4) where, in the Annexure attached to it, the Grade Pay for Office Superintendent–1 (the post from which he retired) is shown as Rs. 4600/-.

2. The respondents have denied this claim. According to them, the Annexure A-4 circular quoted by the applicant is applicable only to employees serving at that time (1.1.2006) and not to persons who had retired before that date. For those who retired before that date Office Memorandum dated 11.02.2013 and 28.01.2013 (at Annexure R-1) and further Office Memorandum dated 13.04.2016 and dated 06.04.2016 (at Annexure R-2) are applicable. Annexure R-1 gives the concordance table to show what the corresponding Grade Pay is for pre-2006 pensioners. According to this concordance table, for posts at level S-12 (at which the applicant retired), the corresponding Grade Pay is Rs. 4200/- and not Rs. 4600/-. The respondents have also alleged that the fixation of pension is strictly in accordance with the Government decisions quoted by the applicant at Annexure A-3, according to which the pension, in no case, “shall be lower than fifty percent of the minimum of the pay in the pay band plus

the grade pay corresponding to the pre-revised pay scale from which the pension had retired."

3. After going through the pleadings and hearing both the counsels, it is clear that while the applicant wants his pension to be fixed taking Rs. 4600/- as the corresponding Grade Pay, the respondents have taken Rs. 4200/- as his corresponding Grade Pay. Annexure A-4 quoted by the applicant does not mention it anywhere that it was intended for calculation of pension. The First Schedule attached to this circular shows that there are different Grade Pays (ranging from Rs. 4200/- to Rs. 5400/-) in the new Pay Band of Rs. 9300-34800. Even Section-II of the circular, which is applicable to the direct recruits appointed after 1.1.2006, there is Grade Pay of Rs. 4200/- payable in the new Pay Band of Rs. 9300-34800 for a class of persons. In Annexure-B of this circular the relevant column head is "present scale". It cannot be assumed that it is meant as what would have been the present scale of persons who retired before that date if they had not retired. The respondents have since then, clearly identified which is the corresponding scale and Grade Pay in the 6th CPC for those who had retired before 2006, in the communication quoted at Annexure R-1. Thus, there appears to be no mistake in calculation of the revised pay applicable to the applicant from 1.1.2006. The communication of the Railway Board quoted at Annexure R-5 also makes it clear that they have given effect to all the decisions of the Co-ordinate Benches of CAT and the Hon'ble High Courts / Apex Court in relation to fixing of pension for all pre-2006 pensioners. In these

circumstances, we do not find any reason to order further revision in the fixing of pension as requested by the applicant.

5. The O.A fails and is, therefore, dismissed. No orders as to costs.

**(DINESH SHARMA)
ADMINISTRATIVE MEMBER**

**(DR. K.B. SURESH)
JUDICIAL MEMBER**

Cvr.

Annexures referred in O.A. No. 170/00036/2018

Annexure-A1: Copy of the Pension Payment Order dated nil of the applicant
Annexure-A2: Copy of the resolution of the Government dated 29.08.2008
Annexure-A3: Copy of the OM dated 01.09.2008
Annexure-A4: Copy of the order dated 11.09.2008
Annexure-A5: Copy of the OM dated 13.11.2009
Annexure-A6: Copy of the applicant's representation dated 06.03.2013
Annexure-A7: Copy of the PPO dated 10.12.2013
Annexure-A8: Copy of the applicant's representation dated 16.02.2016

Annexures with reply statement

Annexure-R1: Copy of the Railway Board letter dated 11.02.2013
Annexure-R2: Copy of the Railway Board letter dated 13.04.2016
Annexure-R3: Copy of the PPO order dated 14.01.2016
Annexure-R4: Copy of the Railway Board letter dated 16.02.2009
Annexure-R5: Copy of the Railway Board letter dated 31.07.2015
