

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No. 20/379 of 2019

Date of Order: 16.04.2019

Between:

K.V. Varahala Rao, S/o. late Ramam,
Aged 62 years, Retired Mail Man,
R/o. Plot No. 107, Mouli Vihar Apartment,
V.S.N. Colony, Near Phase – III,
VUDA Colony, Cantonment, Vizianagaram – 535 003.

... Applicant

And

1. Union of India,
Through the Secretary to Government of India,
Ministry of Information & Technology,
Electronics Niketan, 6, CGO Complex,
Lodhi Road, New Delhi – 110 003.
2. The Chief Post Master General,
Andhra Pradesh Circle,
Vijayawada, Andhra Pradesh.
3. The Superintendent,
Department of Post, Government of India,
RMS Division, Visakhapatnam – 530 017.
4. Secretary to Government of India,
Department of Pension and Pensioners Welfare,
Ministry of Personnel, Public Grievances & Pensions,
North Block, New Delhi – 110 001.

... Respondents

Counsel for the Applicant ... Mr. P. Srinivasa Rao

Counsel for the Respondents ... Mr. T. Hanumantha Reddy, Sr. PC for CG

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. The OA has been filed for enhancement of pensionary benefits as per VII CPC.

3. Brief facts of the case are that the applicant retired as Mail Man from the respondents organization on 31.12.2015. Applicant's pension was fixed as Rs.6,805/- per month vide letter dated 27.01.2016. While fixing the pension, the VII CPC recommendations have not been taken into consideration and therefore, the applicant claims that he has been given less pension. Against the grant of lesser pension to the applicant, a representation was made which was disposed of vide impugned order dt. 12.10.2018. Aggrieved over the same, applicant has filed the present OA.

4. Contentions of the applicant are that as per FR 56 (a) a Government servant whose date of birth is 1st day of a month shall retire from service in the afternoon of the last day of the preceding month on attaining the age of 60 years. Applicant contends that the Hon'ble Supreme Court verdict in S. Benarjee Vs. Union of India is in his favour. Similarly, Hon'ble High Court of A.P. verdict in the case of Principal Accountant General, A.P. Vs. C. Subba Rao would also support his contention. Hon'ble Principal Bench of this Tribunal in OA No. 571 of 2017 has granted similar benefit to the applicant therein.

5. Heard both the counsel and perused the documents submitted.

6. This is a case which has similar connotation in the case pertaining to S. Benarjee Vs. Union of India adjudicated by the Hon'ble Supreme Court. Hon'ble High Court of Andhra Pradesh has also dealt a similar case in regard to the employees retiring on the last day of the month and the DA to be drawn from the succeeding month. Hon'ble Principal Bench of this Tribunal in OA

571/2017 in an identical case has dealt with similar issue and issued appropriate orders.

7. In view of the above observations of the higher judicial fora on a similar issue, respondents are directed to examine the case of the applicant and decide keeping in view the law laid down therein, within a period of 60 days from the date of receipt of this order. Both the counsel have also agreed for disposal of the OA on the above lines. Therefore, OA is disposed of, at the admission stage, with the above directions. There shall be no order as to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

Dated, the 16th day of April, 2019

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