

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00800/2018

Jabalpur, this Thursday, the 25th day of April, 2019

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Smt. Sneha Lata Mishra Age 62 years
W/o Late Surendra Nath Mishra
Occupation-Housewife (Family Pensioner)
R/o Flat No.2417 Duplex No.6 Rajul Aangan
(Behind Sharda Talkies) Gorakhpur
Jabalpur 482001

-Applicant

(By Advocate –**Shri R.S. Tripathi**)

V e r s u s

1. Union of India,
Through its Secretary
Ministry of Defence Production
Govt. of India
Raksha Bhawan South Block
New Delhi 110001

2. The Secretary Ministry of Personnel, PG & Pensions
Department of Pension & Pensioner's Welfare 3rd Floor
Lok Nayak Bhawan Khan Market New Delhi 110003

3. The Chairman Ordnance Factory Board 10-A S.K. Bose
Road, Kolkata 700001 (W.B.)

4. The Principal Controller of Defence Accounts (Pension)
Draupadi Ghat (Sangam) Allahabad 2311014 (U.P.)

5. The General Manager, Gun Carriage Factory, Jabalpur
482001 (M.P.)

-Respondents

(By Advocate –**Shri N.K. Mishra**)

ORDER (Oral)

This Original Application has been made against the Pension Payment Order (PPO) No.C/OOR/6CPC/053621/2014 and PPO No.401199200932 passed by respondent No.4 on the instructions/order of respondents No.1, 2, 3 and 5.

2. The applicant in this Original Application has prayed for the following reliefs:-

“8(i) Amend pension payment orders (PPO) suitably by treating Rs.5000-8000 as notional pay of her husband as per 5th CPC orders w.e.f. 01.01.1996, Rs.9300-34800 (Pay Band Pay) and Rs.4200/- grade pay as per 6th CPC and correspondingly as per matrix of 7th CPC (Table 20 Notional Pay Rs.37600/- and pension Rs.18800/- and family pension Rs.11280 w.e.f.01.01.2016) and pay eligible pension and family pension as per rules.

8(ii) Amended PPO pertaining to 5th, 6th and 7th CPC should be reflected corresponding pay scale i.e. Rs.1800/- last pay of Chargeman II (T) as per details envisaged in Table 20.

8(iii) Pay arrears of pension (her husband's) from 1.1.1996 to 10.8.2012 and arrears of family pension w.e.f.11.8.2012 to till date.

8(iv) Award at least 20% interest cumulatively on whole amount of arrears plus cost of litigation and for suffereage.

8(v) Award certain iota of punishment upon responsible officials of Respondents No.4 and 5 for their inaction, lethargy and incompetence to charge their attitude i.e. they are going to lass nothing for lapses at their part.

8(vi) Any other appropriate writ, order or direction which this Hon'ble Tribunal may deem fit and proper under the facts and circumstances of the case be also issued."

3. Precisely the case of the applicant is that the applicant is a family pensioner and her husband Late Shri Surendra Nath Mishra was Ex-Chargeman-II (Technical) Personnel No.816220 in Gun Carriage Factory, Jabalpur (M.P.) and took retirement w.e.f.31.03.1992 (A/N).

4. The applicant's husband died on 10.08.2012 and the applicant became family pensioner w.e.f. 11.08.2012. The applicant's husband was working as Chargeman-II (Technical) in the pay scale of Rs.1400-2300/- w.e.f.1.10.1983. The last pay drawn by the husband of the applicant was Rs.1800/- and his 10 months average pay was Rs.1788/-. The pension of the applicant's husband was determined accordingly w.e.f. 01.04.1992. On implementation of 5th Pay Commission w.e.f. 01.01.1996,

the applicant's husband was put notionally in the pay scale of Rs.4500-7000 and inadvertently instead of Rs.5000-8000 and had started getting less pension than actual and legal. It is submitted by the applicant that the post held by her husband was Chargeman-II and in the Ministry of Defence Production in Ordnance Factory Board as well as in all Ordnance Factories including Gun Carriage Factory Jabalpur in which her husband was working, the post of Chargeman-II were given pay scale of Rs.5000-8000 w.e.f. 01.01.1996.

5. The applicant has submitted that the pension office Allahabad as well as General Manager/Gun Carriage Factory have had paid no heed and accordingly in 6th CPC as well as in 7th CPC, the applicant (including her husband and herself) has been put in disadvantageous position in terms of pension on or before 10.08.2012 (husband's pension) and in terms of family pension w.e.f. 11.08.2012. The documents showing the post in which the applicant's husband was working are collectively filed as Annexure

A-1. Copy of PPO which also shows post held at the time of retirement i.e. Chargeman-II filed as Annexure A/2. Copy of representation given by the applicant to the respondent No.4 is filed as Annexure A-3.

6. The respondents have filed the reply and in the preliminary submission, it has been submitted by the replying respondents that in the 6th CPC and 7th CPC, pension has been revised as per notification and Concordance Table issued by the Government of India, Ministry of Personnel Grievance and Pensions, Department of Pension and Pensioner's Welfare O.M. Notification dated 28.01.2013 (Annexure R/1) and O.M. Notification dated 06.07.2017 (Annexure R/2). In the 4th CPC applicant's husband pay scale was Rs.1400-2300/- and its corresponding pay scale was Rs.4500-7000/- as per 5th CPC and accordingly in terms of the concordance table the pension/family pension has been revised.

7. The applicant has filed rejoinder and has reiterated its earlier stand taken in the O.A. It has been specifically

submitted in para 3 of the rejoinder that in Ordnance Factory Organization/Ministry of Defense Production, Chargeman Grade-II are/was in the pay scale of Rs.5000-8000 w.e.f. 01.01.1996 and with Grade Pay of Rs.4200/- w.e.f.01.01.2006.

8. The respondent-department has also filed the additional reply. It has been submitted by the replying respondents at the time of retirement of husband of the applicant, his last pay was Rs.1800/- in the pay scale was Rs.1400-2300. The corresponding pay scale of Rs.1400-2300 was Rs.4500-7000 in the 5th CPC, Pay Band-I Rs.5200-20200 + Grade pay of Rs.2800 in the 6th CPC and in the 7th CPC the corresponding pay was fixed at level-V which is comprehensible from the fitment table issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department O.M. Notification dated 28.01.2013 and concordance table issued by Government of India Ministry of Personnel, Public Grievances and Pensions, Department of Pension and

Pensioners Welfare O.M. notification dated 06.07.2017. Accordingly, Principal Controller of Defence Accounts (Pension) Allahabad amended the pension and family pension and issued revised PPO. The replying respondents have submitted that there is no anomaly in pension revision.

9. The submission putforth by learned counsel for both the parties have been considered and also I have gone through the documents attached with it.

10. From the pleadings itself it is clear that husband of the applicant was working under Ministry of Defence Production and Ordnance Factory Organization. It is also admitted fact that the applicant's husband was working as Chargeman II. It is also clear from Annexure A-4 at Page 21 and 22, that the pay scale earlier for the post of Chargeman Grade-II in the Ordnance Factory Organization at Serial No.116 and also in D.G.Q.A. at Serial No.120 was Rs.1400-2300. It is also clear from the Annexure that the revised pay scale in corresponding grade to earlier pay

scale is Rs.5000-8000/-. So it is very clear from this Annexure that the relevant department in which the applicant's husband was working, the revised pays scale of Rs.1400-2300/- was Rs.5000-8000/-. Although the replying respondents had submitted in the reply that as per Annexure R/1 and R/2 notification dated 28.01.2013 and 06.07.2017 and as per Concordance Table No.19 is annexed as Annexure R/3, the pay scale of Rs.1400-2300/- at corresponding pay scale was Rs.4500-7000/-. But in the instant case it is very clear that this is the master pay scale issued by the Department of Personnel and Pension. In the instant case, the husband of the applicant was in the Ministry of Defence and was working as Chargeman II which is clear as per annexures placed at Page 21-22. There is no dispute that in the Department of Defence, the revised 1400-2300/- is Rs.5000-8000 for Chargeman II post which has come into force w.e.f. 01.01.1996. The contention of the replying respondent while relying on Annexure R/1 and R/2 is not relevant in the present case

because the case of the husband of the applicant is total different and is pertaining to the Ministry of Defence. So there is no doubt in my mind regarding the fact that the applicant who was earlier in the pay scale of Rs.1400-2300/- which is revised for the defence to the pay scale of Rs.5000-8000/-

11. Resultantly the applicant is entitled for revised pay scale of Rs.5000-8000/-. So the applicant is entitled for the family pension including notional fixation as per notional corresponding family pension w.e.f. 01.01.1996.

12. In view of the above, this Original Application is allowed. Respondents are directed to refix the family pension w.e.f.01.01.2006 in the corresponding pay scale of Rs.5000-8000/- pensioners with all consequential benefits. The said exercise shall be done within a period of 8 weeks from the date of receipt of a copy of this order. No costs.

(Ramesh Singh Thakur)
Judicial Member