

**Central Administrative Tribunal  
Principal Bench, New Delhi**

**OA No. 2493/2017**

**New Delhi this the 24<sup>th</sup> January, 2019**

**Hon'ble Sh. Pradeep Kumar, Member (A)**

Ilam Jeet Singh, Helper (Technical) Group 'C'  
Aged About 59 years,  
S/o Sh. Pardeshi Ram,  
R/o H. No. 533, Taj Pur Pahari,  
Badarpur, New Delhi-110044

... Applicant

(By Advocate : Sh. M.K. Bhardwaj )

VERSUS

1. Union of India  
Through Its Secretary,  
Ministry of Information and Broadcasting  
Shastri Bhawan, New Delhi.
2. Prasar Bharti,  
Through its Chief Executive Officer,  
2<sup>nd</sup> Floor, PTI Building,  
Parliament Street, New Delhi
3. The Director General  
All India Radio  
Akashvani Bhawan,  
Sansad Marg, New Delhi.
4. The Addl. Director General (P),  
Prasar Bharti,  
India's Public Sector Broadcast,  
Doordarshan Kendra, Doordarshan Bhawan,  
Copernicus Marg, New Delhi
5. The Pay & Accounts Office,  
Through Pay & Accounts Officer,  
All India Radio, Akashwani Bhawan,  
Parliament Street, New Delhi

...Respondents

(By Advocates : Sh. Ch. Shamsuddin Khan and  
Sh. Rajat Krishna )

**ORDER (ORAL)**

This is the second round of litigation in the Tribunal. OA-1949/2012 was filed by the 46 applicants wherein the decision was pronounced on 03.04.2014 with the following directions:-

*“4. On the basis of above analysis, we allow this O.A. and direct the respondents to grant the scale of Technician i.e. Rs. 4500-7000 to the applicants from the due date. This will be done within a period of eight weeks from the date of receipt of a certified copy of this order. The applicants will also be entitled for grant of arrears as a result of re-fixation of their pay. The respondents are also directed to take a decision on the recommendations of cadre review Committee expeditiously, in so far as the applicants are concerned. No costs.”*

This was implemented vide orders dated 18.06.2014. The respondents approached Hon'ble High Court of Delhi in W.P.(C) No. 5597/2015 wherein interim orders were given on 27.05.2015 with the following directions:-

*“List the matter for final hearing on 29<sup>th</sup> October, 2015. In the meanwhile, save and except to the extent that partial implementation of the order has already taken place, without disturbing the same, rest of the implementation of the order shall remain stayed till further orders.”*

2. The applicant pleads that in his case, the salary fixation was accordingly done by the respondents on 18.06.2014, i.e., prior to above judgement by High Court, and he got payments as per this pay fixation upto February, 2017. Thereafter, he retired on 31.07.2017. Applicant pleads that respondents vide order dated

26/29.12.2016, have revised his pay fixation now to a lesser level, and his pension is now proposed to be fixed based upon this new re-fixation of salary dated 26/29.12.2016. This reduction in salary is not permissible.

The respondents pleaded that the question under consideration of Hon'ble High Court in W.P.(C) No. 5597/2015 is in respect of pension and the matter is to come up for hearing in July 2019. Further, the orders by Tribunal were in respect of salary, which was complied with by respondents.

3. Some other applicants in OA 1949/2012 had also approached the tribunal in OA Nos. 2510, 2985, 2986 and 2987 of 2017 wherein the decision was pronounced on 05.09.2018 with the following directions:-

*“10. In view of the said rival submissions in respect of the interpretation of the stay orders of the Hon'ble High Court and in view of the admitted fact that the whole issue is now seized of by the Hon'ble High Court, we are of the considered view that the instant OAs can be disposed of, by granting liberty to the applicants to approach the Hon'ble High Court by way of appropriate applications in the pending writ petition.*

*11. In the circumstances, all the OAs are disposed of with the liberty as observed above. However, the interim orders passed shall be in force for a period of 60 days from today, or till the Hon'ble High Court considers the applications of the applicants, whichever is earlier. No costs.”*

4. The respondents mentioned that in view of this judgement dated 05.09.2018, and the issue raised in instant OA being that of

pension, it was brought to the notice of Tribunal and in the hearing of 27.07.2018, Tribunal has ordered to take up this OA after decision by High Court in W.P.(C) No. 5597/2015. The applicant has, however, filed MA No. 3876/2018 requesting to recall of these orders for keeping the proceedings pending.

5. The instant OA has been filed to set aside the re-fixation order issued on 26/29.12.2016. The applicant has since retired on 31.07.2017. It is obvious that the issue pertains to pension. Applicant pleads, that keeping the issue pending, till decision by High Court, is likely to lead to abnormal delay. And this may delay pension fixation also in his case. In view of adjudication by Division Bench in OA No. 2510/2017, it is not considered appropriate to recall the orders dated 27.07.2018. Accordingly, the MA is dismissed.

6. The matter regarding the fixation of pension is said to be pending, at present, with the Hon'ble High court in W.P.(C) No. 5597/2015 as stated by respondents. The pension fixation is inextricably linked to pay fixation. Accordingly, the instant OA cannot be disposed off finally till this W.P.(C) No. 5597/2015 is decided by the Hon'ble High court.

7. However, applicant is a pensioner and this aspect cannot be lost sight off. In absence of pay fixation being final, issuance of pension pay order may get inordinately delayed leading to serious

difficulty for pensioner. Accordingly, the respondents are directed to issue Pension Payment Order (PPO) in respect of the applicant as per pay fixation order dated 26/29.12.2016 within a period of 8 weeks of receipt of certified copy of this order. It is, however, specifically directed that this pension order so issued now, shall be treated to be a provisional order only and shall need to be revised in terms of orders as are passed by the Hon'ble High Court of Delhi in W.P.(C) No. 5597/2015.

8. Along with this, other associated retiral dues, e.g., gratuity and leave encashments, etc. as are applicable, shall also be passed as per pay re-fixation order dated 26/29.12.2016, and released to the applicant within a period of 8 weeks of receipt of certified copy of this order. This also shall be treated as on provisional basis and shall need to be revised in terms of orders as are passed by High Court in W.P.(C) No. 5597/2017.

9. This OA is disposed off at this stage with these directions. There shall be no order as to costs.

**(Pradeep Kumar)**  
**Member (A)**

/akshaya/

