

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

O.A. No.3529/2015

Tuesday, this the 23<sup>rd</sup> day of April 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Central Govt. SAG (S-29) Pensioners' Association  
Through Sh. Indra Swarup, Joint Secretary  
251, Siddhartha Enclave, New Delhi – 110 014
2. J K Jain, aged about 77 years  
s/o late Sh. D C Jain  
r/o 143, Greater Kailash, Part 2  
New Delhi – 110 048

..Applicants

(Mr. Sushil Kumar Malik, Advocate)

Versus

1. Union of India through Secretary to the Govt. of India  
Department of Pensions & Pensioners' Welfare  
Department of Personnel, Public Grievances & Pensions  
North Block, New Delhi -110 001
2. Secretary, Govt. of India  
Department of Expenditure  
Ministry of Finance  
New Delhi – 110 001

..Respondents

(Mr. R K Sharma, Advocate)

## **O R D E R (ORAL)**

**Justice L. Narasimha Reddy:**

The first applicant is an Association of Central Government SAG (S-29) Pensioners, and the second applicant is one of its members. This O.A. is filed to declare that the applicants shall be entitled to the benefit of service rendered in S-29 before they retired, for the purpose of fixation of pension

w.e.f. 01.01.2006, and that their pension shall not be less than the one drawn by their juniors retired after 01.01.2006.

2. The applicants placed reliance upon the judgment of Patna High Court in CWJC No.10757/2010. On 26.03.2018, it was noticed that the judgment of Patna High Court was stayed by the Hon'ble Supreme Court through an interim order dated 19.02.2016, and accordingly, the O.A. was adjourned *sine die*.

3. Recently, we directed the matter to be listed for hearing, so that the further developments can be taken note of. Today, learned counsel for applicants submits that the judgment of the Patna High Court is the subject matter of Civil Appeal No.1613/2016 before the Hon'ble Supreme Court.

4. After hearing the parties at some length, we felt that once the very issue is pending before the Hon'ble Supreme Court, it is not advisable for us to adjudicate the same.

5. We, therefore, dispose of the O.A. leaving open to the applicants to work out the remedies depending on the outcome of Civil Appeal No.1613/2016 pending before the Hon'ble Supreme Court.

There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**April 23, 2019**  
**/sunil/**