

**Central Administrative Tribunal
Principal Bench**

OA No.1780/2015

New Delhi, this the 26th day of February, 2019

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

Nau Nihal Singh Rana
(Sr. Citizen 72 years old)
Retired Chief Personnel Officer
(S-30-Higher Administrative Grade)
North Central Railway HQ, Allahabad
R/o Q-60 (First Floor),
Rajouri Garden,
New Delhi 110 027.

... Applicant.

(By Advocate : Shri Yogesh Sharma)

Versus

1. Union of India
through its Secretary
Ministry of Railways,
Railway Board, Rail Bhavan,
Raisina Road,
New Delhi 110 001.
2. General Manager
North Central Railway (HQ)
Subedar Ganj,
Allahabad (UP)-211033.
3. Secretary
Government of India,
Ministry of Personnel, Public Grievances and Pensions
Department of Pensions and Pensioners Welfare,
Lok Nayak Bhavan,
New Delhi 110 003.
4. Secretary
Govt. of India
Department of Expenditure,
Ministry of Finance, North Block,
New Delhi 110 001.
5. Member (Staff) & Ex-Officio Secretary
Ministry of Railways,
Govt. of India,

Railway Board, Rail Bhavan,
Raisina Road,
New Delhi 110 001.

7. Chief Personnel Officer
North Central Railway HQ,
Subedar Ganj, Allahabad (UP) 211033.
8. Financial Advisor and Chief Accounts Officer
North Central Railway HQ
Subedar Ganj,
Allahabad (UP) 211033.
9. Director (D&A)
Ministry of Railway,
Railway Board,
Rail Bhavan,
Raisina Road,
New Delhi 110 001. ... Respondents.

(By Advocate : Shri V.S.R. Krishna and Shri Shailendra Tiwary)

: ORDER (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicant retired from the post of Additional Secretary to Government of India, on 31.03.2003 in the pay scale of Rs.67000-79000. His pension was fixed at Rs.33,500/-. This OA is filed with a prayer to direct the respondents to refix his pension. It is stated that the officers of his rank who retired at a later point of time are drawing higher pension.

2. The applicant placed reliance upon the order dated 24.09.2015 passed by a Full Bench of this Tribunal in RA No.10/2015 in OA No.937/2010 wherein, a direction was issued to correct the anomaly of this nature. The Full Bench in turn relied upon the judgment of the Full Bench of Patna High Court dated 18.05.2015 in CWJC No.10757/2010.

3. Learned counsel for the applicant and learned counsel for the respondents addressed the arguments to certain extent. It is brought to our notice that against the judgment of Patna High Court in CWJC No.10757/2010, Petition for Special Leave to Appeal (C)... of 2016 with CC No.2295/2016 was filed by the respondents, and the Hon'ble Supreme Court stayed the operation of the judgment of the High Court, through order dated 19.02.2016.

4. In that view of the matter, we feel it appropriate to close this OA, leaving it open to the applicant to work out his remedies depending upon the outcome of the aforesaid SLP. Hence, the OA is closed with an observation that it shall be open to the applicant, to make a representation to the respondents to refix his pension, depending upon the outcome of the SLP and to avail the remedies if his grievance is not redressed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/