

**Central Administrative Tribunal
Principal Bench**

OA No. 2223/2017

New Delhi this the 4th day of July, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

Suresh Kumar Jindal,

S/o Sh. Kasturi Lal,

(PPO No. 40920151703301F)

Age: 62 years, Designation: Retd. Scientist 'G' as
Director, DESIDOC, DRDO, Delhi,

Group 'A' Service,

R/o A-2332, Ground Floor,

Near Gate No.6, Green Field Colony,

Faridabad-121010

- Applicant

(By Advocate: Mr. Mukesh Kumar)

VERSUS

1. Union of India,
Through its Secretary,
Ministry of Defence,
South Block, New Delhi-110 011

2. Department of Defence Research & Development,
Ministry of Defence, Govt. of India,
DRDO Bhawan, Raja ji Marg,
New Delhi-110 105
Through its Secretary

3. Directorate of Personnel (DoP)
Through its Director,
DRDO Head Quarter, DRDO Bhawan,
Rajaji Marg, New Delhi-110 105

- Respondents

(By Advocate: Dr. L.C. Singhi)

ORDER (Oral)

This OA has been filed by the applicant, seeking the following reliefs:-

- “(a) To set aside the impugned Order dated 12.6.2017 passed by the respondent no.3 (DoP), copy placed as ANNEUXRE A-1, at page no.9-10;
- (b) To grant pensionary benefits retrospectively from the date of his superannuation w.e.f. 1.5.2015 against Special Pay @ Rs.4000/- per month as revised time to time in subsequent Pay Scales including the 7th Central Pay Commission, as applicable;
- (c) To allow cost(s) to the Applicant against the Respondents, in the interest of justice;
- (d) To pass such other order(s) and further relief(s) which this Hon’ble Tribunal may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.”

2. At the outset, counsel for the respondents – Ministry of Defence, Government of India, informed the Court that the matter of counting of Special Pay for pensionary benefits, which is the main grievance and prayer in this OA, has been decided by the Hon’ble Supreme Court vide its order dated 03.01.2019 in the matter of **UOI & Ors. v. Dr. OP Nijhawan**. After receipt of the said order of the Hon’ble Supreme Court, the DRDO have been conveyed by the Govt. of India vide Order No. DHRD/76066/85101/INCENTIVES/6THCPC/C/P/33/CC/2019/D(R&D) dated 24.05.2019 for counting the Special Pay for the purpose of pension and pensionary benefits. The said order reads as below:-

“Subject: INCENTIVES FOR SCIENTISTS – COUNTING OF SPECIAL PAY FOR PENSIONARY PURPOSES.

Reference:- Govt. of India letter No.DRFO/86202-A/V
CPC/MPD/D(R&D) dated 03 Feb 1999 as amended time to time.

Sir,

Consequent upon dismissal of Civil Appeal no. 12040 of 2018 and other connected civil appeals on the issue by Hon'ble Supreme Court vide their order dated 03 Jan 2019, I am directed to convey the sanction of the President of India for counting the Special Pay of RS.2000/- per month granted to Scientist 'G' in the pay scale of rs.18400-22400 (in 5th CPC terms) w.e.f. 1.1.1996 in lieu of a separate higher pay scale, after peer review, and Rs.4000/- per month to Scientist 'G' in Pay Band - 4 (Rs.37400-67000) with Grade Pay of Rs.1000 (in 6th CPC terms) w.e.f. 1.1.2006 for the purpose of pension & pensionary benefits.

2. This issues after due consultation with the Department of Pension & Pensioners' Welfare and with the concurrence of Ministry of Finance, Department of Expenditure vide ID NO.1(10)EV/2018 dated 15.05.2019 and vetting by Ministry of Defence (Finance/R&D) vide their Diary No.363/MOD/Fin(R&D) dated 23 May 2019."
3. He further states that these orders have been sent to all CDAs, including parent organization of the applicant of the present OA and the parent organization will now issue the revised PPO to all concerned Scientists beneficiaries, including those who have filed the present OA.
4. Counsel for the applicant concedes that he is aware of the orders passed for counting of Special Pay for pensionary benefits and he sought for an early direction to the respondents to complete this exercise.
5. In view of fact that now the respondents have only to implement their own orders, they are directed to issue revised PPO, as per aforesaid order dated 24.05.2019, within a period of 90 days of receipt of a certified copy of this order.
6. With the above directions, the OA stands disposed of. No costs.

(Nita Chowdhury)
Member (A)

/1g/

