

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1490/2017

Dated Tuesday, the 19th day of March, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

D. Thiruvateeswaran

L13A, Sarvamangala Colony

Ashok Nagar, Chennai 600 083.

... Party-in-Person

Vs

The Chief General Manager

BSNL Chennai Telephones (DOT)

78 Purasawalkam High Road

Chennai 600 010.

... Respondent

By Advocate Mr. S. Gopinathan

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- "a. The Tribunal may be pleased to direct the respondent to take up the applicant's case for revision of pension immediately
- b. The Tribunal may be pleased to direct the respondents to devise a fair and sympathetic time frame to complete the task of revision of pension of the pre-16 pensioners & cause issuance of the revised PPA by the Controller of Commn. Accts.
- c. The Tribunal may be pleased to direct the respondents to ensure that applicant gets his arrears before Deepavali 17.
- d. The Tribunal may be pleased to pass such other orders"

2. The applicant is a retired Group A officer of the Indian Telecom Service who superannuated on 30.11.1997. Following the OM dated 12.05.2017 of the Department of Pension and Pensioners' Welfare, he was entitled to revision of pension as admissible to all pre-2016 Central Government Pensioners by notionally fixing his pay in the pay matrix recommended by the 7th CPC for the level corresponding to the pay in the pay scale/pay band and grade pay at which he retired. 50% of the notional pay as on 01.01.2016 shall be the revised pension and 30% of this notional pay, the revised family pension.

3. The grievance of the applicant at the time of filing this OA on 19.09.2017 was that contrary to the instructions contained in the relevant OM, the respondent had not yet revised his pension. Accordingly, a

direction was sought to the respondents to devise a fair and 'sympathetic' time frame to complete the task of revision of pension of the pre-2016 pensioners and cause issuance of revised PPA by the Controller of Communications Accounts. It was also prayed that the respondents be directed to ensure that the applicant received his arrears before Deepavali 2017.

4. The applicant appearing in person would submit that the revision of pension of the applicant was not done with reasonable promptitude after the acceptance of the 7th CPC recommendations. His request for payment of arrears before Deepavali 2017 was also not acceded to. Accordingly, he should be declared to be entitled to interest on the arrears.

4. Learned counsel for the respondents would refer to an order passed by the respondents dated 27.02.2019 in compliance of the order of this Tribunal in OA 1389/2018 filed by the same applicant seeking to set aside the revised PPO issued on 27.12.2017. The Tribunal had directed disposal of the applicant's representation dated 13.03.2018 by issuing a speaking order. It would be clear from the order that the applicant's pension was revised by PPO dated 27.12.2017. As such there was no undue delay. In any case with the issue of PPO dated 27.12.2017, the relief sought in this OA had become infructuous.

5. The applicant in person would, however, allege that the respondents suppressed the information that prior to the order dated 27.12.2017, the respondents had revised the applicant's pension on the previous day by

issuing a revised PPO dated 26.12.2017 with a higher rate of revised pension. As a matter of fact, the PPO dated 26.12.2017 was acted upon and the arrears was also paid to the applicant accordingly. It was only in August 2018 that the respondents took cognizance of the PPO dated 27.12.2017 and brought down the pension of the applicant from the subsequent month. Recovery was also directed to be made against the alleged excess payment.

6. I have considered the pleadings and submissions. A perusal of the relief sought in this OA would clearly show that in the light of the subsequent developments and also the matter agitated in OA 1389/2018 on which a certain direction was given by this Tribunal, this OA has become infructuous. It is accordingly closed as infructuous.

7. The applicant is at liberty to pursue his remedy in RA 3/2019 alleged to have been filed against the order of this Tribunal in OA 1389/2018 and which is stated to be pending. The applicant is also at liberty to challenge the order dated 27.02.2019 in a separate OA in the event of the RA not being admitted and if it gives rise to a fresh cause of action.

**(R.RAMANUJAM)
MEMBER (A)
19.03.2019**

M.T.