

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.21/1162/2018

Date of Order: 19.08.2019

Between:

V. Sita Rama Rao,
S/o. late Sri V. Venkata Appa Rao,
Retd. HSG-I Sorting Assistant, Group C,
Ag 76 years, No. 102, Suna Mode Apartments,
Plot No. 42, Vikaspuri Colony,
Hyderabad – 500 038.

... Applicant

And

1. Union of India, Rep. by the Secretary,
Ministry of Communications and IT,
Department of Posts - India, Dak Bhavan,
Sansad Marg, New Delhi – 110 001.
2. The Union of India represented by
The Secretary, Ministry of Personnel, PG & Pension,
Department of Pension & Pensioners' Welfare,
3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi – 110 003.
3. The Director of Postal (Accounts),
Abids, Hyderabad – 500 001.
4. The Senior Superintendent of Railway Mails,
Hyderabad Sorting Division,
Hyderabad – 500 027.

... Respondents

Counsel for the Applicant ... Mr. M. Venkanna

Counsel for the Respondents ... Mr. D. Radha Krishna,
Addl. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORDER***{As per B.V. Sudhakar, Member (Admn.) }***

2. The OA is filed challenging the Office Memorandum dt. 28.1.2013 issued by the Department of Pension & Pensioners' Welfare whereby the pension of the applicant was fixed with reference to the Grade Pay of Rs.4200/- in Pay Band of PB-2 in the pay scale of Rs.9300-34800 in the pre-revised scale of VI CPC.

3. Brief facts of the case are that applicant retired as Higher Secondary Grade I Sorting Assistant from the respondent organization on 31.10.2002. Ministry of Finance, Department of Expenditure have issued orders dated 13.11.2009 pursuant to which Grade Pay of the applicant was revised from Rs.4200/- to Rs.4600/-. Accordingly, pension of the applicant was revised and paid. Respondents, as per the version of the applicant have, in fact, correctly fixed pension as per V Central Pay Commission. However, when it came to the fixing the pension as per the VI CPC, respondents have fixed the pension erroneously by taking grade pay of Rs.4200/- instead of Rs.4600/-. Applicant represented to fix the grade pay as Rs.4600/- which was rejected vide Annexure II . Hence, the OA.

4. The contentions of the applicant are that the applicant he was not put on notice while revising his pension and thereby, principles of natural justice have been violated. Action of the respondents is against the CCS (RP) Rules, 2008, dt. 29.8.2008. Respondents are duty bound to

implement the CCS (Pension) Rules, 1972 in fixing the pension of the applicant. Pre-2016 pensioners and the pensioners on or after 1.1.2016 cannot be discriminated. Classification of pensioners as pre-2006 pensioners and post-2006 pensioners is not based on any scientific and rational principle, as pensioners form a homogenous class.

5. Grievance of the applicant is in regard to the reduction of his Grade Pay from Rs.4600 to Rs.4200 with a consequential effect on pension, without issuing a notice. Basic principle while issuing an administrative order is to put the receiver on notice when it has an adverse consequence. Respondents appear not to have followed this basic principle. The impugned order issued by the respondents at Annexure II is cryptic. When it concerns the pension of a retired employee, it would have been appropriate on the part of the respondents to issue a speaking and reasoned order containing the reasons as to why the Grade Pay has been reduced from Rs.4600 to Rs.4200 leading to reduction in pension. Details, if annexed with the impugned order, it would have helped to resolve the grievance of the applicant. Having not done so, the OA has come up for adjudication.

6. Heard the learned counsel for the applicant and perused the pleadings on record. Respondents have not filed the reply though notice was issued on 28.11.2018. Though close to one year elapsed since the OA has been filed, it is surprising that respondents have not filed reply

statement till date. Applicant is a pensioner and therefore, case was heard in the interest of justice.

7. This day, learned counsel for the applicant has submitted an OM No.38/33/12-P&PW (A) issued by the Department of Pension and Pensioners Welfare dt. 4.1.2019 dealing with the issue of reduction of pension w.e.f. 1.1.2006 of pre-2006 pensioners, who retired from V CPC pay scale of Rs.6500-10500/-. OM deals elaborately with the grievance of the applicant. Therefore, it would be appropriate for the respondents to examine the grievance of the applicant based on this latest OM issued by the DoP & PW.

In view of the aforesaid, respondents are directed to examine revision of pension of the applicant, by keeping the instructions contained in Memo dt. 4.1.2019 of the DOP & PW and issue a speaking as well as reasoned order within two weeks from the date of receipt of this order. With the above directions, OA is disposed of. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 19th day of August, 2019

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