

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

Original Application No.240 of 2013

Date of Order: 22.03.2019

Between:

1. All Central Pensioners' Association,
Visakhapatnam (AP) Office at 11-4-6/1,
Rockdale Layout, Nowroji Road,
Visakhapatnam-530 002,
Rep. by its Member Erla Konda, S/o. late Venku Maidu,
Age 78 yrs, Retired employee, 6-53, Naval Armament Depot, Colony,
Krishnarayapuram, Visakhapatnam.
2. T. Lakshmi Appa Rao, S/o. late Lakshmi Narsimha,
Aged 71 years, Occ. Retired employee,
Member of the ACPAV, (A.P.)
R/o. D. No. 1-23-118, Bhoodevi Nagar,
Venkatapuram, Secunderabad – 500 015.

... Applicants

And

1. Union of India represented by its Secretary,
Department of Pension & Pensioners' Welfare,
M/o. Personnel, Public Grievances & Pensions,
Lok Nayak Bhavan, 3rd Floor,
Khan Market, New Delhi – 110 003.
2. The Secretary, Govt. of India,
Department of Expenditure,
Ministry of Finance, North Block,
Central Secretariat, New Delhi – 110 001.

... Respondents

Counsel for the Applicants	...	Mrs. Anita Swain,
Counsel for the Respondents	...	Mrs. Vijaya Laksmi, Advocate for
		Mr. T. Hanumantha Reddy, Sr. PC for CG

CORAM:

Hon'ble Mr. Justice L Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}

This OA is filed almost in a representative capacity. The 1st applicant is an Association and the 2nd applicant is said to be its member. They challenge the impugned orders dt. 03.10.2008, 14.10.2008, 11.02.2009, 19.03.2010, through which the claims made by various employees for allowing a particular scale of pay and for fixation of pension accordingly were rejected. The applicants claim some ancillary relief also.

2. The respondents filed a detailed counter.

3. We have heard Mrs. Anita Swain, learned counsel for the applicants and Mrs. Vijaya Lakshmi, learned Advocate, representing Mr. T. Hanumantha Reddy, learned Senior Panel Counsel for Central Government.

4. Basically, the issue pertains to extension of benefits consequent upon the recommendations of the VI CPC in respect of pensioners. The Principal Bench of this Tribunal considered this very question in OA No. 655/2010 & batch vide its order dt. 01.11.2011. Operative portion of the order reads as under:

“30. In view of what has been stated above, we are of the view that the clarificatory OM dated 3.10.2008 and further OM dated 14.10.2008 (which is also based upon clarificatory OM dated 3.10.2008) and OM dated 11.02.2009, whereby representation was rejected by common order, are required to be quashed and set aside, which we accordingly do. Respondents are directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006, based on the resolution dated 29.08.2008 and in the light of our observations made above. Let the respondents re-fix the pension and pay the arrears thereof within a period of 3 months from the date of receipt of a copy of this order. OAs are allowed in the aforesaid terms, with no order as to interest and costs. “

It is stated that the order in the said OA has become final with the dismissal of the writ petition and the SLP filed against it.

5. Similar question was dealt with this Tribunal in OA 702/2012 through order dt. 16.04.2015. Relevant portion of the order reads thus:

“16. In view of the above position, we direct the respondents to extend the benefits of the judgment in OA No. 655 of 2010 & batch to the applicants herein. The respondents shall comply with the order within a period of three months from the date of receipt of copy of this order.”

Though several reliefs are claimed, it emerges that only one referable to upgradation of pay scales with reference to the respective pay scale was granted.

6. We dispose of this OA also directing that the respondents shall consider the case of the respective members of the first applicant Association for upgradation of the pay scale under the respective category, duly applying the formula mentioned in the order of the Principal Bench dt. 01.11.2011 in OA No. 655/2010 & batch. As and when application is made seeking benefit in terms thereof, the concerned authority shall examine each application and extend the relief, within a period of two months from the date of receipt of such application, if the case fits into the said formula. There shall be no order as to costs.

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

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

(Dictated in open court)
Dated, the 22nd day of March, 2019

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