

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. MA 350/00335/2015
OA 350/00092/2015

Date of order : 5.2.2016

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jayati Chandra, Administrative Member

SWAPAN CHAKRABORTY

VS

UNION OF INDIA & ORS.
(DOORDARSHAN)

For the applicant : Mr.A.Chakraborty, counsel

For the respondents : Mr.M.S.Banerjee, counsel
Mr.P.Mukherjee, counsel

O R D E R

Ms.Bidisha Banerjee, J.M.

The applicant aggrieved due to re-fixation and consequent reduction in pension, had preferred the present OA seeking quashing of the revised PPO issued on 2.9.14 by the Pay & Accounts Office and correct payment of his pension @ Rs.10,715/- instead of Rs.10,115/- as was revised.

2. During the course of hearing on 21.4.15 since it was found that the mother order on the basis of which the pension was refixed was directed to be kept in abeyance, the OA was disposed of with a direction upon the respondents to keep in abeyance the pension reduction order dated 2.9.14 so long the order dated 19.9.14 directing the mother order to be kept in abeyance remained operative. The present MA has been filed seeking execution of the order dated 21.4.15 as despite our orders a reduced pension was paid to the applicant.

3. We have heard both the Id. Counsels and perused the materials on record.

4. It was pointed out during the course of hearing that the following order has been passed by the Dy. Director (Pers.) with the approval of the competent authority, on 5.1.16. The order is set out hereinbelow :

"Reference is invited to DG: AIR's letter dated 4.10.12 regarding pay fixation of Head Clerks/Assistants/Steno Grade II working in DG: AIR and Doordarshan as per illustration 4(A) in note to below Rule 7 of 6th CPC Gazette Notification. While reviewing the pay fixation case by FMRRS, it was noticed that pay of Head Clerks/UDCs/Stenos/Accountants etc. Drawing pay scale of 5000-9000 has wrongly been upgraded in the pay scale of Rs.6500-10500 after given the benefit of bunching./ However, there is no provision of bunching in 6th Central Pay Commission.

2. Accordingly, Prasar Bharati issued order dated 10.6.2013 for rechecking of pay of all the employees and to recover overpayment made if any. Later, it was decided to keep in abeyance Prasar Bharati letter dated 10.6.2013 mentioned above vide letter of even number dated 15.7.2014. The matter was revisited by Prasar Bharati and order dated 18.6.2015 was issued giving benefit of bunching subject to a minimum of corresponding stage of 6500. This was later kept in abeyance while correspondence dated 11.8.15.

3. Accordingly, in consonance with advice of DoE modified instructions have been issued vide letter dated 31.12.2015 (copy enclosed)

4. In the light of the above, ADG(B&A) is requested to instruct all PAOs of AIR/Doordarshan to ensure that excess payments made, if any, in this regard are recovered forthwith. The letter No. Misc.1/330/2012-PPC dated 15.7.2014, and letter of even number dated 18.6.2015 and 11.8.2015 may also be treated as withdrawn.

5. This issues with the approval of Competent Authority."

5. Therefore in view of the changed scenario and in view of the prayer made in the present MA the respondents are directed to execute our order by granting the original pension so long the order dated 19.9.14 (Annexure A/3 to the OA) remained inoperative. The respondents are also directed to refund the balance of the pension i.e. the difference between the pension originally fixed and later on revised, within one month from the date of communication of this order.

6. The MA is accordingly disposed of. NO order is passed as to costs.

(JAYATI CHANDRA)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)

in