



## **ORDER**

2. The OA is filed in regard to revision of pension of the applicant, who worked for the Indian Audit Accounts Department for 28 years as Assistant Audit Officer (AAO) and on 1.12.1986 got absorbed in the Institute of Hotel Management and Catering, a Govt. of India Enterprise with pro-rata pension for the service rendered in the Audit and Accounts Department. The scale of Assistant Audit Officer in the 6<sup>th</sup> Central Pay Commission is in the Pay Band-2 with scale of pay Rs.9300-34,800 with Grade Pay of Rs.4800. Based on this pay, as per 7<sup>th</sup> Central Pay Commission, applicant claims that his pension w.e.f.1.1.2016 has to be Rs.27,600 instead of Rs.26,800, as fixed by the respondents. Hence, the OA.

3. Applicant relied upon the judgments of the Hon'ble High Court of Delhi in **Ram Phal v Union of India & Ors** in W.P.No (C) 3035/2016 and of this Tribunal in OA 1237/2015, OA 1268/2015, OA 1171/2015 as well as on G.I., M.F., No.I(13)/E.V/2017 dated 23.5.2017 in support of his contentions.

4. Respondents claim that the pension has been revised as per the pay scale in which the applicant retired and that it has been correctly fixed by following the guidelines laid down in Office Memorandums dated 28.1.2013, 12.5.2017, 6.7.2017, 4.1.2019, 9.7.2019 respectively of the Dept. of Pension and Pensioners Welfare, G.O.I. The 3<sup>rd</sup>

Respondent, namely, Dept. of Pension and Pensioners Welfare has not filed the reply.

5. After hearing the case at length and when the case was reserved for judgment, learned counsel for the respondents has submitted a docket order of the Coordinate Bench of this Tribunal dated 9.1.2019 dealing with identical cases, wherein it was observed that the matter be referred to the Division Bench, for reasons stated therein. Learned counsel for the respondents submitted that this case be accordingly listed before the Division Bench.

6. The present case is an identical case and, hence, as per Hon'ble Supreme Court direction in *SI Roop Lal v. Lt. Governor through Chief Secretary, Delhi*, (2000) 1 SCC 644,, the order is binding. Besides, the provisions of Central Administrative Tribunal Rules of Practice, 1993 provided in Appendix-I [Order No.1/32/87-JA, dated 18.12.1991], issued under Rule 18(c) of the said Rules of Practice, are extracted below:

“..... I hereby authorize all the Members of the Central Administrative Tribunal to function as a Bench consisting of a Single Bench and exercise the jurisdiction, powers and authority of the Tribunal in respect of classes of cases specified in the Schedule with effect from 1-1-1992, subject to the following procedure:-

- (1) That the case does not involve validity of any statutory provision or interpretation of any of the provisions of the Constitution;
- (2) That it is open to either party to submit to the Single Member before the matter is taken up for admission or for final hearing, that it may be

placed before a Bench of two Members. If such a request is made at the outset, the Single Member shall direct that the case be placed before an appropriate Bench of two Members. Once the case is taken up, no such request shall be entertained at any subsequent stage of the proceedings for admission or final hearing, as the case may be.

EXPLANATION:- (i) The party not making the request at the stage of admission shall not be precluded from making such a request when the case is taken up for final hearing.

(ii) The stage of admission would also cover cases which may be finally disposed of with the consent of parties at the admission stage.

(iii) Notwithstanding anything contained in the previous paragraphs if at any stage of the proceedings it appears to the Single Member that the case is of such a nature that it ought to be heard by a Bench of two members, he may refer it to the Chairman to transfer it to a bench of two members.”

In view of the aforesaid circumstances and for parity of reasons, the case be listed before the Division Bench. In the meanwhile, Registry to issue notice to the 3<sup>rd</sup> respondent to file the reply within 3 weeks.

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

Dated, the 13<sup>th</sup> day of September, 2019

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