

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.28023 to 28025 of 2015

R.Gandhi ...Petitioner in W.P.No.28023/2015

M.Natarajan ...Petitioner in W.P.No.28024/2015

T.K.Ramasamy ...Petitioner in W.P.No.28025/2015

-Vs-

1. The Chief Security Commissioner,
Railway Protection Force,
6th Floor, Moore Market Complex,
Chennai - 600 003.
2. The Financial Advisor &
Controller of Accounts,
Southern Railway,
Chennai - 600 003.
3. The Senior Divisional Finance Manager,
Southern Railway,
Tiruchirapalli Division,
Tiruchirapalli Junction,
Trichy. ...Respondents in all W.Ps'

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 04.03.2015 requesting for revision of the petitioner pension by computing the minimum guaranteed pension with reference to the pay which he would have drawn in the revised Pay Bands corresponding to the last pay which he was drawing in the pre-revised scale of pay in the light of Office Memorandum in F.No.38/37/08-P & PW (A) dated 01.09.2008 and Office Memorandum in No.38/37/08-P & PW (A) dated 30.07.2015 without reference to the Office Memorandum in

F.No.38/37/08-P &PW (A) pt.1 dated 3.10.2008 issued by the Government of India, Ministry of Personnel, PG & Pensions, Department of Pension & Pensioners' Welfare, New Delhi and grant him all consequential benefits.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.P.T.Ramkumar, Standing Counsel
(In all W.Ps') for Southern Railways.

COMMON ORDER

By consent, all the Writ Petitions are taken up for final disposal.

2. The petitioner in W.P.No.28023 of 2015 has retired from service as Cook-I, RPF Training Centre, Kimber Garden, Khaja Nagar, Trichy on 31.12.2002 and at the time of his retirement, he was drawn a pay of Rs.4390/- in the time scale of Rs.3050-4590 fixed by the V pay commission and the said scale was revised as Pay Band Rs.5200-20200 + Grade Pay Rs.2000/- under VI pay commission and his corresponding pay in the Pay Band would be Rs.8170 + Grade Pay of Rs.2,000/- in the Pay Band of Rs.5200-20200 + Grade Pay Rs.2000 as per the Fitment Tables.

3. The petitioner would further state that the recommendations made by the VI Pay Commission with regard to the revision of pension of Pre-2006 pensioners were accepted by the Government of India, vide Resolution dated 29.08.2008 and the Ministry of Personnel, Public Grievances & Pensions, Department of Pension & Pensioners Welfare, New Delhi-3 also issued an office Memorandum in F.No.38/37/08-P & PW (A) dated 01.09.2008. A clarification was issued on 03.10.2008 stating that the pension calculated at 50% of the minimum of pay in the Pay Band plus grade pay would be calculated at the minimum of the pay in the Pay Band (irrespective of the pre-revised scale of pay) + Grade Pay corresponding to the pre-revised pay scale. Some of the pensioners, who were aggrieved by the said fixation, filed Original Applications before the Principal Bench of the Central Administrative Tribunal, New Delhi and it was put to challenge before the Delhi High Court, which has also upheld the order of the Principal Bench of the Central Administrative Tribunal, New Delhi. The petitioner, claiming similar benefits, has also sent representation dated 04.03.2015 to the 1st respondent, requesting for

revision of his pension with all consequential benefits and pending disposal of the representation, the Government of India has issued office Memorandum dated 30.07.2015 in compliance of the above judicial pronouncements and ordered that the pension/family pension of all pre-2006 pensioners/family pensioners may be revised in accordance with the Office Memorandum of the Department dated 28.01.2013 with effect from 01.01.2006 and subsequently, the petitioner aggrieved by the non disposal of the representation, came forward to file this writ petition.

4. The Petitioner in W.P.No.28024 of 2015 has retired from service as Cook, RPF Training Centre, Kimber Garden, Khaja Nagar, Trichy on 23.05.1990. The petitioner, expressing similar grievance, has filed this writ petition.

5. The petitioner in W.P.No.28025 of 2015 has retired from service as Cook, RPF Training Centre, Kimber Garden, Khaja Nagar, Trichy on 30.06.1993. The petitioner, expressing similar grievance, has filed this writ petition.

6. The learned counsel appearing for the petitioners would submit that in compliance of the Judicial pronouncement passed by the Central Administrative Tribunal as confirmed by the Division Bench of Delhi High Court, the Office Memorandum dated 28.01.2013 came to be issued and for conferment of similar benefits, the petitioners had submitted a representation dated 04.03.2015 and subsequently, the Office Memorandum, which came to be issued had clarified certain aspects and therefore, their representations may be considered in the light of the Office Memorandum dated 28.01.2013 and 30.07.2015 respectively and prays for appropriate orders.

7. Per contra, Mr.P.T.Ramkumar, learned Standing Counsel, who accepts notice on behalf of the respondents, would submit that on submission of the representations, no acknowledgments are available.

8. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, permits the petitioners to submit one more representation by enclosing the copy of this order as well as the copy of the earlier representation dated 04.03.2015 along with the Office Memorandum dated 28.01.2013 and 30.07.2015 respectively to the 1st respondent within a period of two weeks from the date of receipt of a copy of this order and the 1st respondent, on receipt of the same, is directed to consider the said representation on merits and in accordance with law and pass orders within a period of six

weeks thereafter and communicate the decision taken, to the petitioner.

The Writ Petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Chief Security Commissioner,
Railway Protection Force,
6th Floor, Moore Market Complex,
Chennai - 600 003.
2. The Financial Advisor & Controller of Accounts,
Southern Railway,
Chennai - 600 003.
3. The Senior Divisional Finance Manager,
Southern Railway,
Tiruchirapalli Division,
Tiruchirapalli Junction,
Trichy.

3 CCs to Mr.P.Rajendran, Advocate SR.No. 48627 to 48629

1 CC to Mr.P.T.Ramkumar, Advocate for Sourther Railway, SR.No. 48330

W.P.No.28023 to 28025 of 2015

KU (CO)
PSI (29.09.2015)

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