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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C)7097/2015

% *Judgment dated 28th July, 2015*

MADAN MOHAN

..... Petitioner

Through: Mr.Subhashish Mohanty, Advocate

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Arun Bhardwaj, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. Notice to the respondents to show cause as to why the petition be not admitted.
2. Mr. Bhardwaj, Advocate enters appearance and accepts notice.
3. With the consent of the parties, the writ petition is taken up for final disposal.
4. Petitioner retired from the post of “Cartoonist” on 31st January, 1995. He approached the Central Administrative Tribunal (CAT) as his pension had not been revised and he was not paid as per recommendations of 5th and 6th Pay Commission by the respondents. It was also contended before Tribunal that certain amount of approx. Rs.70,000/- were due from him when he retired which have since been adjusted from his pension and other benefits paid to him but the arrears of recommendations of 5th and 6th Pay Commission were not given to him. The OA was disposed of with following observations:

“4. In view of this, the OA is disposed of with a direction to the respondents to look into the case of the applicant as brought out in this OA and take a considered

decision/action thereon, at an appropriately senior level, with the utmost expedition and issue necessary orders with regard to payment of amounts legitimately due to the applicant as a result of revision of pension including arrears. The orders in this regard should be issued within a period of two months from the date of receipt of a copy of this order. Interest, if any, payable under the Rules should also be authorised.”

5. Pursuant to the directions of the CAT in its order dated 8th march, 2014, an order dated 19th May, 2011 was passed by the respondents rejecting his claim. The petitioner did not challenge the order dated 19th May, 2011 but filed an application before the Central Administrative Tribunal (CAT) complaining that directions issued in the order dated 8th March, 2011 had not been complied with. By the impugned order dated 30th October, 2014, his application was rejected and the following order was passed:

“Learned counsel for respondents submits that as per the direction given by this Tribunal in OA No. 2488/2010, the Competent Authority has passed order dated 19.05.2011 and the direction issued by this Tribunal stands complied with. He further made reference to the operative portion of the order as well as certain paragraphs of the aforementioned order dated 19.05.2011.

In view of the order passed by the Deputy Director Admn. (D), the direction issued by this Tribunal on 08.03.2011 stands complied with.

In the circumstances, the MA filed by the applicant for execution of the order passed by the Tribunal is disposed of.”

6. Learned counsel for the petitioner submits that the grievance of the petitioner was noted by the learned Tribunal in order dated 8th March, 2011 and the respondents were to consider his request as per the order dated 8th

March, 2011 whereas the order of 19th May, 2011 has not addressed the issues of the petitioner at all, except it has been stated that pensionary benefits as per 5th and 6th Pay Commission has been revised by the Bank itself.

7. We have heard counsel for the parties and also examined the order passed by the Central Administrative Tribunal and the order dated 09.05.2011 passed by the respondent. We find that order dated 19th May, 2011 has not addressed the issues of the petitioner as emphasized by the Central Administrative Tribunal in its order dated 8th March, 2011.
8. We accordingly dispose of this writ petition with a direction to the respondents to grant one personal hearing to the petitioner and pass a fresh order on the lines of the grievance made by the petitioner before the Central Administrative Tribunal (CAT). Let the respondents fix a date of personal hearing within two weeks from today and thereafter a reasoned would be passed within a period of six weeks thereafter.
9. Writ petition stands disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 28, 2015

gr/pst