THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.8902 of 2014 (O&M)
Date of Decision:20.02.2017

B.C. Dutta .....Petitioner

Vs.

Union of India and others .....Respondents

CORAM:- HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present:- Mr. Madan Mohan, Advocate for the petitioner.

Mr. Amit Shukla, Advocate for the applicant-respondent- UOI.

Mr. Khushkaran Kumar, Advocate for Mr. Vikas Chatrath, Advocate.

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SURYA KANT, J.(Oral)

CM No.1826 of 2017

Application is allowed. Documents Annexures R.3 and R.4 along with short affidavit are taken on record.

CWP No.8902 of 2014

The petitioner has laid challenge to the order dated 4.3.2014 passed by Central Administrative Tribunal, Chandigarh Bench vide which his claim for refixation and revision of pension w.e.f. 1.1.1986, 1.1.1996 and 1.1.2006, and also to pay him consequent arrears along with interest has been dismissed.

In view of the subsequent events referred to hereinafter, it is not necessary to notice the facts in detail. Suffice it would be, to mention that the petitioner retired on attaining the age of superannuation w.e.f.

31.07.1986 from the post of Selection Grade Auditor. His grievance has been against the alleged non-fixation of his correct pension in accordance with pay-scales which were revised on the recommendations of Fourth Pay Commission with effect from 1.1.1986, Fifth Pay Commission with effect from 1.1.1996 and the Sixth Pay Commission with effect from 1.1.2006.

Though the Tribunal turned down the petitioner's claim but the respondent- authorities have reconsidered such claim and vide memo dated 8.4.2016 (Annexure R.3) have revised the pension with effect from 1.1.1986 and 1.1.1996. The afore-mentioned circular has been issued in general for the revision of pension of all the pre-2006 retirees and the petitioner being one of such retiree, his pension too has been suitably revised as on 1.1.1986 and 1.1.1996.

Though the pension of the petitioner has been revised and refixed with effect from 1.1.2006 but his grievance is that his pension has still not been correctly fixed as on 1.7.2013, namely, when he crossed the age of 85 years. In other words, the petitioner's grievance is that 20% of the revised basic pension which was added on his completion of 80 years of age has not been taken into account while fixing his pension on attaining the age of 85 years as on 1.7.2013. Resultantly, the petitioner claims that his pension deserves to be re-fixed as on 1.7.2013 and again on 1.1.2016.

The afore-mentioned grievance has been briefly highlighted by the petitioner in para 3 of CM No.717 of 2017 which reads as follows:-

> "3. That the date of birth of the petitioner is 21.07.1928. In terms of O.M. dated 01.09.2008 (Annexure P-5), the petitioner is entitled to further increases as under:-

		Revised Basic Pension is Rs.6750/-with effect from 01.01.2006
	Age of Pensioner DOB = 21.07.1928)	Additional quantum of Pension.
i)	From 80 years to less than 85 years	20% of revised basic pension.
ii)	From 85 years to less than 90 years	30% of revised basic pension.
iii)	From 90 years to less than 95 years	40% of revised basic pension.
iv)	From 95 years to less than 100 years	50% of revised basic pension.
v)	100 years and more	100% of revised basic pension.

The petitioner, thus claims basic pension at the following rates:-

01.01.2006 to 6/2008	@ Rs.6750/- PM
07/2008 to 06/2013	@ Rs.8100/- PM
07/2013 to 31.12.2015	@ Rs.10,125/- PM
01.01.2016 to date	@ Rs.10125 X 2.57 = Rs.26021.25 as against Rs.17348/-”

Since the respondents have at their own granted substantial relief to the petitioner and it appears from the stand taken by the petitioner that only the correctional steps towards refixation of his pension as on 1.7.2013 and 1.1.2016 are required to be taken, we dispose of this writ petition with a direction to respondents No.3 and 4 to reverify the above-mentioned claim of the petitioner and if found entitled to, grant the same within a period of <u>four months</u> from the date of receipt of certified copy of this order. In case, the competent authority is of the view that the petitioner is not entitled to any additional relief, a reasoned order to this effect shall be passed with liberty to the petitioner to approach the appropriate forum.

Disposed of.

(SURYA KANT)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

20.02.2017
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Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No