

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

AND

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.10282, 10509, 11619, 12325 & 12659 of 2018

COMMON ORDER: (Per Hon'ble Sri Justice Suresh Kumar Kait)

These petitions are preferred before this Court against the orders passed by learned Tribunal in different OAs, whereby while allowing the OAs, the learned Tribunal relied upon the judgment of the Full Bench in O.A.No.0655 of 2010 and directed the petitioners herein to re-fix the pension of all the respondents-applicants and pay the arrears thereof within a period of three months from the date of receipt of copy of the order.

The orders passed by the Tribunal were challenged before this Court in W.P.No.25597 of 2017 and batch and the same were disposed by recording as under:

“In the light of the stand taken by the Union of India, the Tribunal could not have allowed the Original Applications on the ground that the issue is covered by the decision of the Full Bench of the Tribunal. Each individual case ought to have been examined by the Tribunal to find out what was the benefit extended to the respondents, how the pension was fixed and whether the Government of India's Resolution and the Office Memoranda were implemented. Since the Tribunal has not done the same, we are obliged to set aside the order of the Tribunal and remand the matter back to the Tribunal for a fresh disposal.

In view of the above, all the writ petitions are allowed, the orders of the Tribunal are set aside and the matter remanded back to the Central Administrative Tribunal for a fresh examination. There shall be no order as to costs.”

The issue in the present writ petitions is also the same. Therefore, We hereby set aside the impugned orders passed in the said O.As and remand the matters to the Central Administrative Tribunal for fresh examination.

In view of the above, all the writ petitions are disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE SURESH KUMAR KAIT

JUSTICE ABHINAND KUMAR SHAVILI

14th June, 2018
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