

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
&
HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITIONS No.13419, 14225 AND 14227 OF 2018

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

1. Vide the present petitions, the petitioners have challenged the orders dated 28.1.2016 in O.A.Nos.1039 and 885 of 2015 and the order dated 24.3.2017 in O.A.No.525 of 2016 on the file of the Central Administrative Tribunal, Hyderabad Bench, respectively, whereby the learned Tribunal while allowing the O.As directed the petitioners herein to refix the pension of the respondents-applicants and pay the arrears thereof within a period of three months from the date of receipt of a copy of the order.

2. The respondents-applicants filed the aforesaid O.As seeking relief as under:

“(i) To declare that inaction of the respondent-authority-I in denying the benefit of the liberalization of determining the revised pension of the applicants @ Rs.12,069/-; Rs.15,255/- and Rs.10,890/-p.m., respectively with effect from 1.1.2006 is arbitrary, discriminatory, violative of Articles 14, 16 and 21 of the Constitution of India and Violative of the law laid down by the Hon'ble Supreme Court.

(ii) Direct respondent No.1 to revise/refix the pension of the applicants @ Rs.12,069/-; Rs.15,255/- and Rs.10,890/- p.m., respectively with effect from 1.1.2006 till the date of payment of the refixed pension (calculation upto 30.6.2015 enclosed in O.A.Nos.1039 and 885/2015) and (calculation upto 30.6.2016 enclosed in O.A.No. 525 of 2016), within three months from the date of receipt of the orders of the Tribunal and pay interest at 12%, on the delayed payment.”

3. Similar issue came before this Court in W.P.No.25597 of 2016 and batch. The said writ petitions were disposed of by remanding the matter to the Tribunal 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 will be no order as to costs.”

4. In view of the above, we allow the present writ petitions and set aside the orders dated 28.1.2016 in O.A.Nos.1039 and 885 of 2015 and the order dated 24.3.2017 in O.A.No.525 of 2016 on the file of the Central Administrative Tribunal, Hyderabad Bench, and remand the matter back to the Central Administrative Tribunal, Hyderabad Bench, for fresh examination. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE SURESH KUMAR KAIT

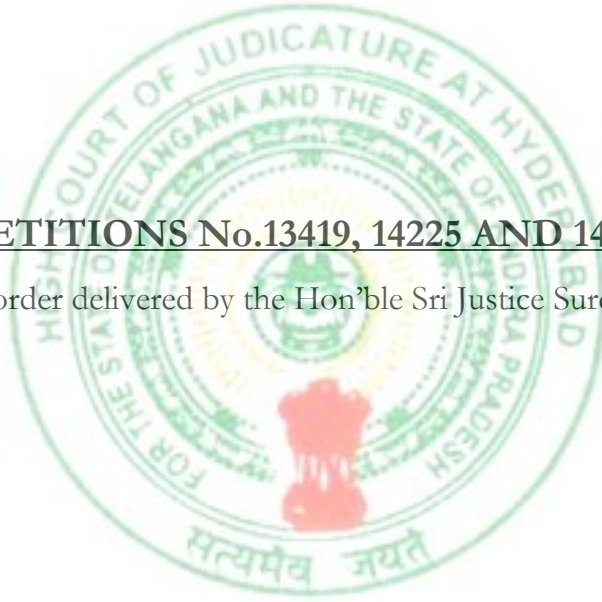
JUSTICE ABHINAND KUMAR SHAVILI

Dated: 26th June, 2018.
Nn.

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WRIT PETITIONS No.13419, 14225 AND 14227 OF 2018

(Common order delivered by the Hon'ble Sri Justice Suresh Kumar Kait)



26/06/2018

Nn.