

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 23077 of 2018

ORDER:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

The learned counsel for the petitioners submits that different applicants filed about 32 applications before the Central Administrative Tribunal, seeking re-fixation of their pension and the learned Tribunal allowed the said applications by different orders. Being aggrieved, the Union of India challenged the said orders before this Court vide W.P.No. 25597 of 2016 and batch.

This Court allowed the said batch of writ petitions vide order dated 13.11.2017 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 learned counsel for the petitioners submits that the issue involved in the aforesaid batch of writ petitions and the

present writ petition is same and requested that the present writ petition also be remanded to Central Administrative Tribunal for deciding the issue afresh.

Accordingly, we set aside the order dated 28.01.2016 passed by the Central Administrative Tribunal in O.A.No. 713 of 2015 and direct the Tribunal to decide the issue afresh in the light of the order dated 13.11.2017 passed in W.P.No. 25597 of 2016 and batch.

The writ petition is accordingly disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

06.07.2018

SURESH KUMAR KAIT, J

bcj

ABHINAND KUMAR SHAVILI, J