(2017) 03 DEL CK 0125

In the Delhi High Court

Case No : W.P. (C) 5593 of 2015

Iqbal Singh Vedi APPELLANT

Vs

Union of India RESPONDENT

Date of Decision : 06-03-2017

Acts Referred:

Citation : (2017) 238 DLT 788

Hon'ble Judges : Mr. G.S. Sistani and Mr. Vinod Goel, JJ.

Bench : Division Bench

Advocate : Mr. Malaya Kumar Chand, Advocate with Mr. Rohit Sharma, Advocates with petitioner in person, for the Petitioner; Mr. Vikram Jetly, CGSC, for the Respondent Nos. 1 and 2; Mr. D.S. Rawat, Deputy Director Administration, DGCA, for the Appering Party

Final Decision : Disposed off

Judgement

Vinod Goel, J.—Challenge in this writ petition under Article 226 of the Constitution of India is the order dated 18.12.2014 passed by the Central Administrative Tribunal (hereinafter referred to as the "Tribunal") in O.A. No. 1075/2014, by which the Tribunal quashed the letter dated 11.11.2013 issued by PAO, DGCA and the letter dated 05.12.2013 by PAO, CPAO and directed the respondents to re-determine the petitioner''s basic pension w.e.f. 01.01.2006 in accordance with the P&PW''s O.M. dated 01.09. 2008 and communicate the same to PAO, CPAO for issuance of pension revision letter revising the basic pension of the petitioner w.e.f. 01.01.2006 and the enhanced basic pension w.e.f. the date when the petitioner completed 80 years of age. The Tribunal also directed PAO, DGCA and PAO, CPAO to re-determine the entitlement of the petitioner to get basic pension of Rs.6,597/- without reduction towards commutation of pension with effect from the date of completion of 15 years from the date of his retirement from 01.12.1990. The Tribunal further directed that on such revision, the pension disbursing bank i.e. Punjab National Bank, Lajpat Nagar, New Delhi, shall re-determine the liability of the petitioner as regard excess pension etc.

paid on account of aforesaid wrong revision of the basic pension and communicate the same to the petitioner and if any excess pension or arrears of pension is found to have been made by the bank, the petitioner shall refund the same within the time stipulated by the bank failing which the bank shall be at liberty to recover the same from the petitioner''s pension. The Tribunal also mentioned that the petitioner''s revised basic pension at Rs.6,597/- w.e.f. 01.01.1996 and the revised basic pension now directed to be determine by the respondent by considering the said basic pension on Rs.6,597/- shall be subject to the outcome of W.P. (C) 5687/2007 pending before this court impugning the Tribunal''s order dated 04.06.2007 passed in O.A. No. 1640/2006.

2. After filing of the W.P. (C) No. 5687/2007 by the respondent herein against the Tribunal''s order dated 04.06.2007 in OA No. 1640/2006 and due to implementation of the recommendation of the 6th Central Pay Commission, the petitioner moved an application to the Manager, Punjab National Bank, Lajpat Nagar, New Delhi to revise his pension and the bank fixed the pension of the petitioner at the rate of Rs.23,050/- w.e.f. 01.01.2006. However on 18.11.2013, the petitioner received a copy of revised PPO amendment letter dated 11.11.2013 reducing his pension drastically to a lower scale and the pension was reduced to Rs.11,100/- per month for the period w.e.f. 01.01.2006 to 23.09.2012 and at the rate of Rs.12,600/- w.e.f. 24.09.2012. This letter was issued by PAO, DGCA & Safdarjung Airport, New Delhi addressed to Pay & Account Officer, Central Pension Accounting Office, Ministry of Finance, Government of India, New Delhi and copy to the petitioner. Subsequently, CPAO, Central Pension Accounting Office, New Delhi, issued a letter dated 05.12.2013 to this effect. As a result, Punjab National Bank issued a letter to the petitioner asking him to refund Rs.15,00,000/-, which was paid to him in excess w.e.f. 01.01.2006. This led the petitioner to file O.A. No. 1075/2014.

3. In its counter reply, the respondents, inter-alia, pleaded that the petitioner was drawing basic pension @ Rs.6,597/- w.e.f. 01.01.1996 till 31.12.1995 but inadvertently, his pension was revised to Rs.11,100/- w.e.f. 01.01.2006 and @ Rs.12,600/- w.e.f. 24.09.2012. As per O.M. dated 01.09.2008 issued by Department of Pension and Pensioners Welfare, all Pension Disbursing Authorities including Public Sector Bank, handling disbursement of pension are to revise the pension of Central Government Pensioners w.e.f. 01.01.2006 as per table enclosed with O.M. It is pleaded that on the advice of the petitioner, the Punjab National Bank revised the pension to Rs.23,500/- wrongly by taking into account the scale of PB-IV Rs.37,400-Rs.67,000/- with Grade Pay Rs.8,700/- and they are not responsible for wrong fixation and Punjab National Bank is responsible for over payment.

4. Despite the pendency of the W.P. (C) No. 5687/2007 against the impugned order of the Tribunal dated 04.06.2007 in OA No. 1640/2006, which has a bearing in O.A. No. 1075/2014 has been decided by the Tribunal by impugned order. The matter with regard to the payment of pension for the period from the

date of the retirement of the petitioner till 31.12.2015 was already subjudice in this court in W.P. (C) No. 5687/2007 and it was not in the jurisdiction of the Tribunal to give finding thereon.

5. By a judgment of even date, we have disposed of the W.P. (C) No. 5687/2007 and the operative part of the judgment reads as under:-

"21. It is clear as crystal that the respondents no.1, 2 & 3 have opted for pension under CCS (Pension) Rules 1972 and the directions of the Tribunal in OA No. 480/1998 titled as "Jagdish Tuli & Ors. v. Union of India", dated 13.11.2000 were upheld by the Division Bench of this Court dated 05.05.2006 in WP (C) No. 1597/2001 except on the point of interest, which was reduced to 9%, which has attained the finality and has been implemented by the petitioners with regard to similarly placed retired employees of the department/autonomous body, we are not inclined to interfere with the directions given by the Tribunal by the impugned order. Since the respondents no. 1, 2 & 3 are in the age group of 85-87 years, as they had retired in the year 1990, we expect from the petitioners to implement the directions given by the Tribunal by way of impugned order within a period of four weeks. 22. The petition is dismissed accordingly. No costs."

6. As a consequence, the order of the Tribunal dated 18.12.2014 is set-aside with the directions that the respondents shall revise the pension of the petitioner on implementation of 6th Central Pay Commission w.e.f. 01.01.2006 keeping in view the directions of this court in W.P. (C) No.5687/2007 decided today. The pension so revised w.e.f. 01.01.1996 shall be subject to adjustment and if the excess amount is found to have been paid to the petitioner shall be adjustable from the pension payable hereinafter and if on such revision of pension w.e.f. 01.01.2006 the amount is found payable to the petitioner, the same shall be paid by the respondent within a period of four weeks from the date of receipt of the order.

7. With these directions, the petition is disposed of. No costs.