
(2019) 05 CAT CK 0054

In the Central Administrative Tribunal

Case No : Original Application No. 4488 Of 2017

Mr. Subachchan Pandey

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 02-05-2019

Acts Referred:

Citation : (2019) 05 CAT CK 0054

Hon'ble Judges : Pradeep Kumar, J

Bench : Single Bench

Advocate : Amit Sinha, Ravinder Kr Sharma

Final Decision : Disposed Off

Judgement

Pradeep Kumar, J

1. The applicant was appointed as a Research Assistant on 21.06.1985 in the Central Hindi Directorate which functions under Ministry of Human Resource Development. He was promoted as Research Officer with effect from 28.05.2002. In due course, his salary was fixed in PB 2+GP Rs. 4800/- vide orders dated 17.09.2008, wef 01.01.2006.

2. Subsequently, a notification was issued on 09.01.2013 which indicated that applicant was posted as Assistant Director in the PB 3+GP Rs. 5400/. The applicant retired from service on 31.07.2013 from this scale.

3. Subsequently, an order was issued on 05.06.2014 to the effect that the post of Research Officer in PB 2+GP Rs. 4800/- is merged with the post of Assistant Director (Group A) by upgrading the post to Assistant Director in PB 3+GP Rs. 5400. It was also specified in this order that date of merger will be notionally from 01.01.2006 while actual benefits shall be applicable from the date of issue of the order i.e. 05.06.2014.

4. In compliance thereof, proposals were sent to UPSC who conducted the DPC. As a result, thereof, a notification was issued on 22.06.2015 wherein a list of 33

officers was enclosed who were included for the post of Assistant Director in PB 3+GP Rs. 5400/- with effect from 01.01.2006. The applicant's name appears on serial no 7 of the said list. In this list, one Dr Daisy Lehari appears at serial no 8.

In follow up of this inclusion, pay fixation orders were issued on 15.05.2015, wherein said Dr Daisy Lehari who is immediate junior to applicant, was granted PB-3+GP Rs 5400/- notionally wef 01.01.2006 and her salary is shown as Rs. 32,150/- as of 01.07.2013. This letter also indicated that actual benefits shall be applicable with effect from 05.06.2014. However, this pay fixation letter does not include the name of applicant even though, he is senior to Dr. Daisy Lehari and was very much in service wef 01.01.2006 to 01.07.2013.

5. The applicant is aggrieved that his last pay drawn has been shown as Rs. 30,670/- and pension is being paid on this basis. Feeling aggrieved that his pension needs to be fixed on the basis of Rs. 32,150/- PM at par with his immediate junior namely Dr Daisy Lehari, the instant OA has been filed.

6. The applicant had also filed several complaints on Central Public Grievance Redressal and Monitoring System on 14.03.2016 and subsequently repeated on several dated.

6.1 The complaint dated 09.05.2016 and 14.07.2016 elicited the following response:

"In the pension case of Dr Subachchan Pandey, the pension was fixed on his last pay and his ten months average pay. However, the upgradation from the grade of Research Officer (GP-4800) to the grade of Assistant Director (L) (PB-III GP-5400) was taken place vide Notification dated 22.06.2015 and actual financial benefit was given from 05.06.2014. Dr. Pandey was retired on 31.07.2013, hence no financial benefit in respect of merger of grade, as above, was granted to Dr. Pandey. However, a file has already been moved to Ministry of Finance for further clarification. Any further action could only be taken after getting any clarification from the Finance Ministry."

6.2 The complaint dated 11.10.2016 elicited a response that the case has been disposed of and as such matter is closed.

7. The respondents have submitted their counter reply on 04.02.2019 wherein following has been averred:

" Dr. Subachchan Pandey retired from Govt. Services as Assistant Director (L) w.e.f. 31.07.2013 i.e. before issuance of the order of merger of the post of Research Officer with the post of Assistant Director (L) and implementation of actual benefit of merger of the post. Hence, the pay and pension of Dr. Subachchan Pandey has not been revised. However, the matter of revision of pay and pension in respect of retired officer has been forwarded to DoPT for clarification whether the pay and pension of retired officer may be revised. The same is under consideration."

8. Matter has been heard at length. Mr Amit Sinha learned counsel appeared for the applicant and Mr Ravinder Kumar Sharma learned counsel appeared for the respondents.

9. The instant case is one wherein certain merger of the two posts and grant of revised pay scale in PB 3+GP Rs. 5400, took place with effect from 01.01.2006 and actual benefits were to be conferred with effect from 05.06.2014. On the date of said merger, the applicant was very much in service and accordingly the case was sent to UPSC for consideration by DPC. The applicant was found successful in that DPC and his name was included in the panel issued on 22.06.2015.

It is also noted that the applicant had since retired on 31.07.2013 whereas actual benefits were to accrue with effect from 05.06.2014.

10. Now, since the respondents have averred that the matter is still under consideration, it is appropriate that sometime is granted to respondents to take a final decision in the matter. The directions are issued accordingly.

11. In view of foregoing, the OA is disposed off at this stage, with directions to respondents to take a decision in the matter within a period of 3 months under advice to the applicant. The applicant shall have liberty to approach the Tribunal if some grievance still subsists. No order as to costs.