
(2021) 12 KL CK 0133
In the High Court Of Kerala
Case No : Writ Petition (C) No. 29262 Of 2018

P.Balakrishnan

APPELLANT

Vs

Pay And Accounts Officer Regional Pay And Accounts Office

RESPONDENT

Date of Decision : 17-12-2021

Acts Referred:

Citation : (2021) 12 KL CK 0133

Hon'ble Judges : Sunil Thomas, J

Bench : Single Bench

Advocate : C.S. Gopalakrishnan Nair, O.M.Shalina

Final Decision : Disposed Of

Judgement

Sunil Thomas, J

1. The petitioner retired from the Central Industrial Security Force prior to 2006, as inspector. Pay Scale of Inspector CISF as per the revised pay Rules of 1997 was Rs.6,500-10,500/-. The petitioner has approached this court with a prayer to revise the pension of the petitioner in Pay Band 2 of Rs.9,300-34,800 with a grade pay of Rs.4600/- with effect from 1/1/2006 on a premise that the pay scale of the inspector was upgraded to grade pay of Rs.4,600/- in PB-2 of Rs.9,300-34,800 with effect from 1/1/2006 as per the CCS (Revised Pay) Rules,2008. The petitioner laments that in spite of repeated requests, his grievance stands not redressed. Hence, the petitioner has approached this court with a prayer that he is entitled to pension based on the grade pay of Rs.4600/- with effect from 1/1/2006 on the premise that the pension of the petitioner was earlier revised, based on grade pay of Rs.4,200/- instead of Rs.4,600/-.

2. A detailed counter affidavit was filed by the respondents contending that the above claim was not sustainable. However, thereafter, the petitioner herein produced OM No.38/33/12-P&PW(A) dated 4/1/2019, wherein at para 6 it has been stated that for the purpose of revision of pension/family pension with effect from 1/1/2006 under para 4.2 of the OM dated 1/9/2008, the Grade Pay of

Rs.4,600/- may be considered as the corresponding Grade Pay in the case of pre 2006 pensioners, who retired/died in the 5th CPC scale of Rs.6500-10500/- or equivalent pay scale in the earlier Pay Commission period. The respondents produced the copy of the above OM as Annexure R1(a). Para 7 of the above OM which states that, in terms of para 4.2 of the above OM, the revised pension for the pre -2006 pensioners, who retired from the pay scale of Rs.6500-10500/- in the 5th CPC or equivalent pay scales in the earlier Pay Commissions, would be Rs.8345/-. It was also stated that, in case of consolidated pension calculated as per para 4.1 of the OM is higher than the pension/family pension calculated in the manner indicated above, the higher consolidated pension will continue to be treated as basic pension/family pension.

Subsequently, Annexure R2(b) dated 9/7/2019 was issued, in continuation of Annexure R1 (a). In Annexure R1(b), it was provided that in case of family pension with effect from 1/1/2016 in respect of pre-2006 pensioners/family pensioners, who retired/died in the 5th CPC scale of Rs.6500- 10500/- or equivalent pay scale in the earlier Pay Commission periods would be Rs.8345/-. The Department has issued concordance tables for revision of pension with effect from 1/1/2016 of pre-2016 pensioners.

3. It seems that, at the time of voluntary retirement of the petitioner, the basic pay of the petitioner was fixed as Rs.7,700/- for calculation of pension . On implementation of the 6th CPC, as per GO dated 1/9/2008, his pension was fixed at Rs.8480/- per month. Accordingly, the respondents contended that in view of Annexure R1(a) OM dated 4/2/2019, revision of pension of the petitioner as on 1/1/2006, was not warranted, since the consolidated pension paid to the petitioner with effect from 1/1/2006 was higher than Rs.8,345/-.

4. It seems that in the light of the above, the pension of the petitioner is liable to be revised with effect from 1/1/2006 as per the concordance table No.25 attached with Annexure R1(b). Evidently, the revision of petitioner's pension is warranted only on the basis of Annexures R1(a) and R1(b) as rightly contended by the learned Central Government Standing Counsel.

5. Accordingly, the writ petition is disposed of with a direction that the petitioner's pension shall be fixed on the basis of Annexures R1(a) and R1(b) and necessary orders shall be issued by the respondent Nos.1,3 & 4, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.