
(2019) 08 CAT CK 0073

In the Central Administrative Tribunal

Case No : Original Application No. 2404 Of 2019, Miscellaneous Application No. 2639 Of 2019

Virendra Kumar And Anr

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 19-08-2019

Acts Referred:

Citation : (2019) 08 CAT CK 0073

Hon'ble Judges : Nita Chowdhury, Member (A)

Bench : Single Bench

Advocate : Suresh Sharma

Final Decision : Disposed Off

Judgement

1. MA No. 2639/2019 for joining together is allowed for the reasons stated therein.

2. The applicants have filed this OA, seeking the following reliefs:-

"(i) Issue suitable directions to the respondents to revise all pensionary benefits including inter alia, Pension, Commutation of Pension, Leave Encashment, Gratuity etc. to the applicants after taking into account the entitled emoluments of the applicants as on 01.07.2018 i.e. after grant of increment earned by them on 30.06.2018 in terms of Law of the Land as laid down by Hon"ble Supreme Court.

(ii) To pay the arrears on account of revision in pensionary benefits, including, inter alia, Pension, Commutation of Pension, Leave Encashment, Gratuity etc. within 2 months, along with interest @12% from 01.07.2018 till the same are paid to the applicants.

(iii) To allow the O.A. with costs.

(iv) To pass any further orders as this Hon"ble Tribunal may deem fit and proper in the facts and circumstances of the case."

3. When the matter is taken up for admission, it is the contention of the applicant that a similar issue has been decided by the Hon"ble Madras High Court in the case of P.Ayyamperumal Vs. UOI & Ors. (WP No. 15732/2017) vide its order dated 15.09.2019 which has been upheld by the Hon"ble Supreme Court in SLP(Civil) Diary No(s) 22283/2018. He has also informed that subsequent to the said judgments, the applicants have submitted their representations, vide Annexure A/5 (colly.) both dated 25.02.2019. However, they have received response only in the case of applicant no.1, namely, Sh. Virendra Kumar, vide OM dated 22.04.2019 in which the contentions of the applicant has been negated without stating any detailed reasons thereto. Hence, in view of the same, without going into the merits of the case, the respondents are directed to pass a speaking order on the contentions raised by the applicants in their representations, keeping in view the judgments cited above by them, within a period of 60 days of receipt of a copy of this order. In case of rejection of their claims, the applicants are given liberty to approach the CAT.

5. With the above directions, the OA stands disposed of at the admission stage itself.