

CENTRAL ADMINISTRATIVE TRIBUNAL (CAT) ERNAKULAM BENCH
CONCURS WITH JUDGMENT OF FULL BENCH OF CAT NEW DELHI ON
MODIFIED PARITY FOR PRE-2006 PENSIONERS

EXTRACT OF PENULTIMATE PARAS OF CAT JUDGMENT IN OA No. 843/2010

16. ____ Full Bench (of CAT in OA 655 -2010) has already quashed and set aside the orders dated 03-10-2008 (Annexure A-6 of this O.A.) and 11-02-2009 (Annexure A-12 of this O.A.) In so far as order dated 01-09-2008 is concerned, the same cannot be altered as it is the basic order granting the pension and the same does not in any way clarify any provision. Order dated 03-10-2008 (Annexure A-6) which gives erroneous interpretation by way of clarification already stood quashed and set aside. Quashing of Annexure A-10 is not insisted by the counsel for the applicant in view of the full bench decision that classification amongst the pensioners is permissible. Annexure A-11 dated 22-07-2010 which states that the pension of pre-2006 retirees has been correctly fixed, has to be quashed and set aside in view of the full Bench decision and it is so ordered. Annexure A-13, which relies upon the clarification given in order dated 11-02-2009 (which stands quashed by the Full Bench) is also liable to be quashed and set aside and it is so ordered. The decision of the Full Bench fully applies to the facts of the case. As such, the same is adopted.

17. In so far as Scientists G i.e. applicants Nos. 1 to 3 are concerned, they being entitled to special pay at the rate specified in Annexure A-7, they should be given the benefit of the same in working out the extent of pension and pensionary benefits available to them.

18. The OA is thus allowed with a direction to the respondent to afford the applicants the revised pension as directed in the Full Bench order dated 01-11- 2011 and while doing so, the provisions of Annexure A-7 be also taken into account in respect of Applicants Nos. 1 to 3.

19. This order shall be complied with, within a period of three months from the date of communication of this order. No costs.

Dr K.B.S.RAJAN
JUDICIAL MEMBER