

STATUS OF THE CASES OF PRE 2006 PENSIONERSS IN VARIOUS COURTS : **AS ON 01..06.2014.**
 COMPILED BY M. L. KANAUIA, IRSSE / Chief Communication Engineer, N.E. Railway, (Rtd.)

Item	HEARD BY	PETITION NO. & YEAR	LEAD PETITIONER	NEXT DATE FIXED FOR HEARING	REMARKS IN BRIEF
1	CAT-PB Delhi	OA 1165 / 2011	Pratap Narain & Ors Vs. MOP/DOP	18.07.14 Court 5	<p>SCPC Recommendations in respect of pensioners, who retired prior to 1.1.2006, was accepted and approved by the Union Cabinet, vide MOP(DOP&PW) Resolution dated 29.08.2008 but while implementing, revised pension was wrongly reduced even where qualifying service was more than 20 years. This petition prays for refixation of pension at full rate where qualifying service happens to be more than 20 years, exactly as per Resolution dated 29.08.2008. UOI filed an affidavit on 15.04.14. A Counter to this would be filed soon. During hearing on 23.05.14, Hon.ble Court stated that as per prayer of petitioners "parameters of revise pension should be same as for post 2006, although basically your plea is for full pension at 20 years of qualifying service." Thereupon, Petitioners agreed to submit MA withdrawing "same parameter" prayer by submitting an MA. The hon.ble Court stated that MA should be submitted and thereafter case can be heard further on next hearing after a week or so. Adjourned to 18.07.2014.</p>

2	CAT-PB Delhi	OA 2165 / 2011	KR Srinivasan & Ors Vs. MOP/fIOP	18.07.14 ?	Same as for item 1 above.
3	CAT-PB Delhi	OA 247 of 2012	17 Petitioners	18.07.14 ?	Same as for item 1 above.
4	Lucknow HC	Ser.Ben.203 / 2010	s29 UP Officers	03.07.14 in Court No. 7	The case is for modified parity i.e. revision of pension at 50% of sum of minimum of the pay in the pay band plus the grade pay corresponding to the pre revised pay scale from which a pensioner had retired, in terms of Resolution dated 29.08.08, effective 1.1.2006. Heard on 16.4.14 but UOI Advocate sought time, which was granted. Heard on 15.05.14 and hon.ble Court issued order : "Sri Neerav Chitravanshi, learned counsel for the respondent has filed written submissions after serving a copy upon learned counsel for the petitioner, which is taken on record. Learned counsel for the petitioner prays for and is granted a week's time to file his written submissions alongwith the convenience petition. Case was heard on 27.5.14 when hon.ble tokk on record the written submission of Shri SN Shukla, Petitioner's Advocate.
5	Delhi HC	WP(C)3359/ 2010	Ex.Para Military (s29,s26) Association Vs UOI	14.08.14	The case is for modified parity i.e. revision of pension at 50% of sum of minimum of the pay in the pay band plus the grade pay corresponding to the pre revised pay scale from which a pension had retired, in terms of

					Resolution dated 29.08.08, effective 1.1.2006. Bench did not assemble on 6.3.14.
6	Supreme Court	Contempt Petition (Civil) 64/2009	SPS Vains, Major General & Ors.	30.06.14	This case is for grant of Modified Parity in terms of MOP,DOP Resolution dated 29.8.2008, after including the same in Special Instructions.
7	Supreme Court	Civil Appeal 2966 / 2011	UOI Vs SPS Vains Mj. General & Ors	30.06.14	This case is for grant of Modified Parity in terms of MOP,DOP Resolution dated 29.8.2008, after including the same in Special Instructions.
8	Supreme Court	Civil Appeal 8875-8876 of 2011.	UOI & Ors.Vs. Vinod Kumar Jain & Ors (Avtar Singh)	24.07.14	CA No. 8875-76 and SLP(C)CC No.18339 -341 of 2013 are now Converted to SLP (Civil) 36148-36150 / 2013.
9	Supreme Court	Civil Appeal 5367 -5368 / 2005 SLPC CC 5081-82/2004	Principal Secretary, Govt. Finance and Planning Deptt., Andhra Pradesh Vs. A.P. Pensioners Samaj.	30.04.14	Heard on 30.04.2014 and dismissed with following remarks : "We do not see any reason to interfere with the concurrent conclusion of the High Court as well as of the Tribunal. The appeals are accordingly dismissed."
10	Delhi HC	WPC No. 4572 of 2012	All India S30 Pensioners Association Vs. UOI	DOJ 19.8.13.	Full parity case wherein writ, order or direction sought are : (a) setting aside the impugned judgment dated 6 th March, 2012 passed by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No.937 of 2010; (b) calling for the records of the case from the Respondent Authorities; (c) granting the

					<p>reliefs prayed for by the Petitioners in their Original Application No.937 of 2010 filed before the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi; and Judgment thereof.. DHC has observed in operating paras : we set aside the impugned decision(s) dated March 06, 2012 and simultaneously we restore OA No.937/2010 and OA No.2101/2010 for fresh adjudication on merits by the Tribunal on the claim of the petitioners for full parity. The decision shall be rendered after giving full opportunity of hearing to the petitioners and the decision dated November 01, 2011 passed by the Tribunal in the case of S-29 scale retirees shall not be treated as binding upon it by the Tribunal for the reasons on the subject of full parity the said decision was pronounced notwithstanding said retirees giving up the claim for full parity. The matter would be decided in remand as early as possible and preferably within three months from today. Parties shall appear through their counsel before the Registrar of the Tribunal in the two original applications on September 09, 2013 on which date OA No.937/2010 and OA No.2101/2010 shall be listed before the Registrar.</p>
11	CAT-PB/Delhi	Contempt	CG SAG (S29)	15.05.14	This Petition is against non-compliance of

		Petition No.158 of 2012	Pensioners Association, Shri Satish Verma, Rtd.CE Vs. Shri RC Mishra, Sec. DOP, MOP,GOI. and Shri Sumit Bose, Sec.DOE,MOF, GOI.	orders passed by CAT-PB while giving Judgment in case of OA 0655/2010 with other OAs. In view of IR granted by Delhi HC on 21.5.12, hon.ble Court on 30.5.12 closed the case with liberty to move application for revival of CP as per the Orders of hon.ble Delhi HC. Accordingly, after the dismissal of UOI Petition in Delhi HC, the revival application was put up which was heard on 24.5.13 and 28.5.13 and orders for issue of notices to respondents were passed. Hearing on 7.8.13 couldnot take place. Case was heard on 25.9.13. Hon.ble Court ordered for revival of Contempt Petition and fixed 10.10.13 to take up contempt proceedings. On 10.10.13, during hearing ASG himself appeared for UOI and argued citing pending SLPs in Supreme Court, for stay on contempt proceedings which was opposed by the Advocate of Association. Court did not agree for granting stay but fixed next date of hearing as 27.11.13. Adjourned due to non-availability of one of the Judges to 18.12.13, 15.01.14 and 12.02.14. Heard but adjourned for 19.02.14. UOI submitted MA for certain clarification from Court and Court adjourned the hearing till 15.05.2014. In the meanwhile, the Curative Petition submitted to HSC by UOI has also been dismissed on 30.04.14, attaining full and complete finality
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					<p>to the case, leaving no scope for any clarification or change in Judgment of CAT-PB, already merged with the judgment of the HSC, except for implementation of the "direction" or facing contempt proceedings. Heard on 15.05.14 and Judgment given by the hon.ble Court. Para 3 of the Judgment is reproduced below : 3.In view of the above, we are of the view that no purpose would be served by keeping this matter pending and it would be appropriate to dispose of the matter with direction to the respondents to implement the directions of the Tribunal expeditiously, preferably within three months.</p>
12	Supreme Court	<p>SLP (Civil) 19784 of 2013 with SLP(C)CC 12122,12366,1 2373,13325 & 14816.</p>	<p>Haryana Viduat Prasaran Nigam Ltd & Ors Vs R K Agarwal and Ors</p>	<p>DOJ 28.10.13</p>	<p>This SLP is against Punjab and Haryana High Court Judgment in case of CWP No. 19641 of 2009 R K Agarwal &Ors. Vs. HVPN Ltd & Ors. dated 21.12.2012. Hearing took place wheein Haryana Advocate pleaded about Haryana Regulations for Pensioners and about financial implications which Respondents Advocate opposed. Court was not impressed but allowed them to put up their arguments in writing for orders before next hearing which was fixed for 28.10.2013 when following orders were passed : Learned counsel appearing for the petitioners seeks permission to withdraw the special leave petitions with liberty to</p>

					<p>approach the High Court. Permission is granted. Consequently, the special leave petitions are dismissed as withdrawn with the liberty as aforesaid.</p>
13	Supreme Court	SLP (C) 23055 of 2013	UOI & Ors Vs CGSAGs29 Pensioners Assoc.& Ors.	DOJ 29.07.13	<p>UOI has filed this SLP against the Delhi High Court Judgment dated 29.4.13 in case of WP(C) 1535 of 2012. This case was heard by Hon.ble Supreme Court on 29.07.2013 with SLP(C) CC No.13280 of 2013, UOI Vs Atma Singh (arising out of P&H HC Judgment) and issued following Orders of Dismissal : "We are not inclined to interfere with the order passed by the High Court. Consequently, the special leave petitions are dismissed. However, the petitioners are at liberty to raise all points before the Tribunal as and when the appeal, including the contempt petition is preferred."</p>
14	CAT-PB	OA No. 937 of 2010 and OA No. 2101 of 2010 (DHC order for Fresh Adjudication)	All India S30 Pensioners Association Vs. UOI		<p>Hon.ble Delhi High Court, in WP(C) 4572 of 2012 in case of All India S30 Pensioners Association Vs. UOI has, by order dated 19.8.2013, has restored these two OAs for fresh adjudication on merits on the claim of full parity, giving full opportunity of hearing the petitioners, without binding decision</p>

					given on 1.11.2011 in case of OA No. 655 of 2010. Delhi HC has further ordered that the matter would be decided in remand preferably within three months from 19.8.2013 and case be listed for hearing by on 9.9.2013, when both parties would appear before Registrar of CAT-PB. Not heard on 25.9.13.
15	Supreme Court	Contempt Petition (Civil) No. 328 of 2013	N.K. Nair & Anr. Vs Shashikant Sharma & Ors.	No further listing till 01.06.14.	While implementing 4th CPC Report pay of Army, Navy and AF Officers upto Brigadier level and equivalent, was fixed without adding Rank Pay. Hon.ble Supreme Court vide Judgment dated 4.9.12 had directed for refixation of their pay after adding the Rank Pay and arrears paid accordingly. MOD issued orders on 27.12.12 for implementation of the said Judgment. CP(C) 328 of 2013 has been preferred in Supreme Court with plea that (1) Judgment should be implemented w.e.f. 1.1.1986 and not as on 1.1.1986, (2) Minimum of Pay in Integrated Pay Scale for each Rank of officers given in SAI 1/S/87 for Army and equivalent officers in Navy and AF should also be raised, (3) Maximum of Integrated Pay scale i.e. 5,100 should also be raised and (4) Refixation of revised pay on 1.1.1996 (5th CPC) and 1.1.2006 (6th CPC) should be done again on the basis of law set by the above mentioned Judgment of the Apex Court, now, meaning thereby, that, the revised pay should be

				<p>refixed by adding into existing pay the admissible component of Rank Pay or MSP, as the case may be and, payment of arrears be made, accordingly. Further, it is learnt that the Attorney General for India, when Govt. sought his advice, has advised, after due consideration of the pleas in the light of Apex Court Judgment to agree to plea (1) and (4) and not to agree for (2) and (3). Heard on 15.11.13 and notices issued to alleged contemptners to appear in person on next date of hearing. On 17.2.14 Court heard the case, none of the Respondents appeared but their Advocate, SG, sought time for submitting Counter Court allowed two weeks time. On 10.03.14 Advocate on record for petitioners sought time for submitting Rejoinder Affidavit and Court allowed two weeks time. On 31.03.14 HSC heard and passed following orders : In light of the rival submission as above, let an application be made by the petitioners for impleadment of the present Defence Secretary and Controller General of Defence Accounts. The application may be listed for consideration as and when made. Rejoinder Affidavit has not been submitted by the Petitioners till 07.03.14 as mentioned in Office Report submitted by Asst. Registrar on 07.03.14. Heard on 31.03.14 when Court passed following order : 5. In light of the</p>
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					rival submission as above, let an application be made by the petitioners for impleadment of the present Defence Secretary and Controller General of Defence Accounts. 6. The application may be listed for consideration as and when made.
16	Supreme Court	SLP(C)CC No.18339 -341 of 2013. The Case is Converted to SLP (Civil) 36148-36150 / 2013 connected to CA No. 8875/2011	UOI Vs DL Vhora & Ors.	24.07.14	These SLPs (along with applications for condoning delay) have been filed by UOI against Delhi HC Judgment dated 29.04.13 in WPC No. 2348-50/2012. (Full parity case).The case came up for hearing before HSC Bench comprising CJI and Justice Ranjan Gogoi on 04.10.13 whereupon hon.ble Court ordered : List on 07.10.13 before an appropriate Bench. On 07.10.13 the case came up for hearing before HSC Bench comprising of Justice Nijjar and Justice Kalifulla. The Court ordered "On the request of Mr. A.S. Chandhiok, learned ASG, list these matters along with Civil Appeal Nos.8875-8876 of 2011." Case adjourned for hearing on 01.11.13. Heard on 1.11.13 and delinked from CA No. 8875-76.Heard on 19.11.13 and again linked to CA No. 8875-76, delay condoned, ordered for issuing notices and staying bringing up contempt petition in HC or CAT.Not heard on 4.2.14.
17	Supreme Court	SLP(C) 19784 SLP (C) CC <u>12122, 12366,</u>	H V P N L Vs. R K Agarwal and	DOJ 28.10.13	These SLPs (along with applications for condoning the delay) are against P&H High Court Judgments granting Modified Parity to

		<u>12373, 13325, 14816</u> , all of 2013.	Other 5 Respondents		Haryana State Govt. Pensioners.Heard on 18.10.13. Hon.ble Court asked UOI Advocate to submit written statement before next hearing. Case was heard on 28.10.13 and following order were passed : Learned counsel appearing for the petitioners seeks permission to withdraw the special leave petitions with liberty to approach the High Court. Permission is granted. Consequently, the special leave petitions are dismissed as withdrawn with the liberty as aforesaid.
18	Supreme Court	Review Petition(Civil) No. 2492 of 2013. 31861 of 2013	UOI Ors. Vs s29 SAG Pensioners Association	DOJ 12.11.13	This Review Petition(Civil) has been filed on 4.10.13 and is under scrutiny. This is against Judgment of dismissal given by hon.ble Supreme Court in case of UOI Vs. s29 Pen. Assoc. SLP(C) No. 23055 on 23.07.13.The RP was taken up in Chamber by the hon.ble Supreme Court and following order were passed on 12.11.13 : " Delay condoned. Prayer for oral hearing is rejected. We have perused the Review Petition as well as the grounds in support of the Review Petition. In our opinion, no case for review of order, dated 29th July, 2013, is made out. Consequently, the review petition is dismissed. "
19	Supreme Court	SLP(C) 33864 of 2013	U.O.I,SECRETARY,MIN OF	DOJ 28.10.13	Heard on 28.10.13. Hon.ble Supreme Court passed following order : We are not inclined

			COMMUNICAT ION&ORS Vs RAM KISHAN PANIPAT		to interfere with the order passed by the High Court. Consequently, the special leave petition is dismissed. However, the petitioners are at liberty to raise all points before the Tribunal as and when the appeal, including the contempt petition is preferred.
20	CAT / Chandigarh	Con.Pet. No.84 / 2013	Atma Singh Vs U.O.I., Secret.,DOP and Secret. Communication	Next date of hearing is not yet known.	Modified parity case. CAT/Chandigarh in OA No. 44/HR/2012 gave judgment directing UOI to fix revised pension in terms Resolution dated 29.8.2008 in but UOI preferred CWP 22510/2012 in P&H HC but the same was disallowed. UOI then preferred SLP(C) CC 13280 / 2013, which hon.ble Supreme Court dismissed on 29.7.2013, alongwith SLPC 23055, which was against CGSAGs29p Association. Contempt Petition No. 84/2013 has been filed now against UOI, Sec. /DOP and Sec. / Communication. for their failure in implementing CAT/Ch. directions, even when Review Petition has also been dismissed.
21	P & H High Court	EA 35 /2013 in CWP 3452/2010	O P Kapur &Ors Vs State of Haryana & Ors	14.03.14	In CWP 3452 P&H HC on 21.12.2012 had directed Haryana Govt. to re-fix pension giving modified parity and pay arrears thereto within two months or pay arrears with 9 % interest after 1.3.2013. Haryana Govt. preferred SLPC 19784/2013 which was dismissed as withdrawn by the hon.ble Supreme Court on 28.10.2013. Haryana Govt. then filed a Review Application in P&H HC to

					<p>review the Order dated 21.12.2012 despite the affirming order by the hon.ble Supreme Court, which was dismissed on 31.01.2013. During the hearing of EA 35/2013 on 26.02.2014 the P&H HC has passed following orders : "It is made clear that in case necessary steps are not initiated and amount is not disbursed to the applicants/petitioners before the next date of hearing, this Court may be constrained to call the official respondents in Court or order may be passed to attach salaries of the Officers concerned." During hearing on 14.03.2014 Govt. Advocate informed the Court that the PPOs of Petitioners have been revised and orders for payment of arrears of revised pension w.e.f. 1.1.2006, along with 9 % interest thereon, have been issued.</p>
22	Supreme Court	Curative Petition No. 126 of 2014	UOI Vs CGSAGs29 Pensioners Association	30.04.14	<p>This Curative Petition was against dismissal of Review Petition No. 2492 of 2013. The five Judgme Bench of hon.ble Supreme Court presided over by the hon.ble CJI himself, dismissed this petition on 30.04.2014 stating that no case was made out within the parameters indicated in the decision of this Court in case of Rupa Ashok Hurra and Ashok Hurra reported in 2002(4)SCC 388.</p>
23	Delhi High Court	WP(C) 7828/2013	Retired Railway	05.08.14	<p>This case is for payment of N.P.A. to Pre 2006 retirees.Heard on 11.12.13. Petitioners</p>

			Medical Officers Association & ors vs Union of India & ors.	did not press for stay. Court accordingly did not grant stay but allowed Petition to be heard. Heard on 1.5.13 when UOI Advocate sought and got adjournment so that he could seek instructions from Respondents in view of hon.ble Supreme Court's Judgment dated 27.11.13 in C.A.Nos.10640-46/2013 Dr. K.C. Bajaj v. Union of India and Ors.
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