

STATUS OF THE CASES OF PRE 2006 PENSIONERSS IN VARIOUS COURTS : **AS ON 01.10.2013**  
 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   |
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| 1    | CAT-PB Delhi | OA 1165 / 2011      | Pratap Narain & Ors Vs. MOP/DOP | 09.10.13                    | Case is for modified parity plus full pension on 20 years of service w.e.f. 1.1.2006. Govt. submitted its Counter on 11.07.12. Copy of Counter received on 17.12.12 and four weeks time was allowed for submission of Rejoinder. In the meanwhile, MOP,DOP&PW vide OM No. 38 /37 / 08-P&PW(A) dated 28.01.13 has unilaterally issued orders accepting fixation of revised pension at 50% of sum of minimum of the pay in the pay band corresponding to the Table from which a pensioner had retired but prospectively i. e. from 24.09.12. Two issues are still remaining to be settled, namely, arrears from 1.1.06 and full pension at 20 years of service as per Cabinet approved Resolution dated 29.08.08. On 12.7.13 Petitioners Advocate received suplimentary Counter Affidavit from GOI. Rejoinder to this by Petitioners Advocate was submitted on 24.7.13.However, Sitting of Court didnt take place on 25.7.13 and next date of hearing was fixed as 17.9.13.. |

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| 2 | CAT-PB Delhi | OA 2165 / 2011     | KR Srinivasan & Ors Vs. MOP/fIOP | 09.10.13           | Same as for item 1 above.   |
| 3 | CAT-PB Delhi | OA 247 of 2012     | 17 Petitioners                   | 09.10.13           | Same as for item 1 above.   |
| 4 | Lucknow HC   | Ser.Ben.203 / 2010 | s29 UP Officers                  | No further listing | 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. Petitioners are pre 2006 Pensioners belonging All India Service Officers of Govt. of U.P. retired from pre revised pay scale of Rs. 18,400-22,400. The U.P. Govt. implemented SCPC Report with certain modifications and issued G.O. No. Sa/3/1358 /Das-2010 dated 19.07.2010 fixing their revised pension at Rs. 26,500 w.e.f. 1.1.2006. The Pensioners grievance is that thier pension shold have been fixed at Rs. 27,350 w.e.f. 1.1.2006. The Court heard the case last on 1.7.2013, when as asked for by the Court earlier, UOI submitted a copy of the SCPC Report through a detailed affidavit. On 15 07 13 Pentioners filed CA to SA of UOI. Listed for 29.7.13 and 29.8.13 but no hearing took place on those dates. |

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| 5 | Delhi HC      | WP(C)3359/<br>2010                         | s29,s26<br>Ex.ParaMil.                | 29.10.13. | <p>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. MOP,DOP&amp;PW vide OM No. 38 /37 / 08-P&amp;PW(A) dated 28.01.13 has unilaterally issued orders accepting fixation of revised pension at 50% of sum of minimum of the pay in the pay band plus grade pay corresponding to the Table concerning to pre revised pay scale from which pensioner had retired effective 24.9.12..Issue remains to be settled is for arrears from 1.1.06 as per Cabinet approved Resolution dated 29.08.08. Petioners submitted an application which was heard on 16.07.13. UOI wanted time to file reply which was given. Heard on 1.10.13 and adjourned for 29.10.13.</p> |
| 6 | Supreme Court | Contempt<br>Petition<br>(Civil)<br>64/2009 | SPS Vains,<br>Major General<br>& Ors. | 17.10.13  | <p>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. Petitioners are pre 2006 retirees Major Generals. MOD vide letter No. 1(11)/2012-D(Pen Policy) dated 17.01.13 has already stepped their revised pension at 50% of sum of minimum of the pay in the pay band 4 plus grade pay and MSP, all corresponding table of pre revised pay scale from which they retired but w.e.f.</p>  |

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|   |               |                                 |  |          | 24.9.2012 and NOT 1.1.2006. Issue remains to be settled is for arrears from 1.1.06, the date of implementation of SCPC Report.  |
| 7 | Supreme Court | Civil Appeal 2966 / 2011        | UOI Vs SPS Vains Mj. General & Ors                 | 17.10.13 | This case is same as CP(C) No.64 of 2009 except that in this case Petitioners are UOI & Ors. and Respondents are Pensioners. Issue remains to be settled is for arrears from 1.1.06, the date of implementation of SCPC Report. Both cases are being heard together by the hon.ble Supreme Court.   |
| 8 | Supreme Court | Civil Appeal 8875-8876 of 2011. | UOI & Ors.Vs. Vinod Kumar Jain & Ors (Avtar Singh) | 01.11.13 | 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. AFT has given Judgment in favour of Pensioners but UOI has gone in appeal to Supreme Court. In the meanwhile, MOD vide letter No. 1(11)/2012-D(Pen Policy) dated 17.01.13 has unilaterally issued orders accepting fixation of revised pension at 50% of sum of minimum of the pay in the pay band corresponding to the Table but prospectively i.e. from 24.09.12. Issue remains to be settled is for arrears from 1.1.06, the date of implementation of SCPC Report.Hearing couldnot take place on 16.8.13 and 27.9.13. |

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| 9  | Supreme Court | Civil Appeal<br>5367 -5368<br>of 2005 | Principal<br>Secretary,<br>Govt. Finance<br>and Planning<br>Deptt., Andhra<br>Pradesh vs.<br>A.P.<br>Pensioners<br>Samaj. | 25.10.13.       | Three Judge Bench Matter.  |
| 10 | Delhi HC      | WPC No.<br>4572 of 2012               | All India S30<br>Pensioners<br>Association<br>Vs. UOI   | DOJ<br>19.8.13. | Full parity case wherein writ, order or direction sought are : (a) setting aside the impugned judgment dated 6 <sup>th</sup> 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 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 : <b>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</b> |

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|    |              |                                  |  |          | <p>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 Petition No.158 of 2012 | CG SAG (S29) Pensioners Association, Shri Satish Verma, Rtd.CE Vs. Shri RC Mishra, Sec. DOP, MOP,GOI. and Shri Sumit Bose, Sec.DOE,MOF, GOI. | 10.10.13 | <p>This Petition is against non-compliance of 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.</p> |

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| 12 | Supreme Court | SLP (Civil) 19784 of 2013   | Haryana Viduat Prasaran Nigam Ltd & Ors Vs R K Agarwal and Ors | No further listing  | 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.   |
| 13 | Supreme Court | SLP (C) 23055 of 2013   | UOI & Ors Vs CGSAG Pensioners Assoc.& Ors.                     | DOJ<br>29.07.13     | 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." |
| 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                   | No further listing/ | 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   |

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|    |               |   |  |                     | given on 1.11.2011 in case of OA No. 655 of 2010. Delhi HC has furtehr 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. | While implementing 4th CPC Report pay of Army , Navy and AF Officers upto Brigadier level and equivalent, was fixed without adding Rank Pay. Hon.le Supreme Couart 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 Amy and equivaalent officers in Navy and AF should also be raised,(3) Maximum of Integratred 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 |



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|  |  |  |  |  | <p>thereby, that, the revised pay should be 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).</p> |
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