

STATUS OF THE CASES OF PRE 2006 PENSIONERSS IN VARIOUS COURTS : **AS ON 19.12.2013**
 COMPILED BY M. L. KANAUJIA, 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 | 23.01.14 | 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.. Heard on |

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| | | | | | 19.12.13,when UOI wanted to link the case in SC in case of SLP 118339-341 etc. but on opposing by petitioners advocate, Court declined it. Thereupon, UOI advocte asked for time to submit some papers and Court adjourned the case granting time but with directive that then, there would be a final hearing in the case. |
| 2 | CAT-PB Delhi | OA 2165 / 2011 | KR Srinivasan & Ors Vs. MOP/fIOP | 23.01.14 | Same as for item 1 above. |
| 3 | CAT-PB Delhi | OA 247 of 2012 | 17 Petitioners | 23.01.14 | 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 griearce 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 |

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| | | | | | 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. |
| 5 | Delhi HC | WP(C)3359/ 2010 | Ex.Para Military (s29,s26) Association Vs UOI | 14.02.14 | 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. 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 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 Order passed by Delhi HC Bench comprising of J. Ms Gita Mittal and Ms Deepa Sharma on 1.10.2013 : C.M. No. 10237 / 2013. "We are informed by Mr.Rohit Kr. Singh that the a Special Leave Petitioner assailing the judgment dated 29th April, |

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| | | | | | <p>2013 passed by this court in W.P.(C) 1535 / 2012 has also been dismissed on 29th July, 2013. It is stated that contempt proceedings have been initiated by the petitioner in that writ petition against the respondents for non-compliance. Ms. Saahila Lamba, counsel for the respondent seeks further time to ascertain the position with regard to the applicability of the said pronouncement and its implementation. Last opportunity is granted to her. List on 29th October, 2013 on the request of the respondent." Case heard on 29.10.13 when Govt. Counsel again pleaded that a number of Central Govt. SLPs on same issue are coming up for hearing on 1.11.13 in Supreme Court and sought time to wait for the same, which was granted.</p> |
| 6 | Supreme Court | Contempt Petition (Civil) 64/2009 | SPS Vains, Major General & Ors. | 10.02.14 | <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. 24.9.2012 and NOT 1.1.2006. Issue remains to be settled is for arrears from 1.1.06, the</p> |

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| | | | | | date of implementation of SCPC Report. On 17.10.13, during hearing UOI sought time again and got it till 11.11.13. |
| 7 | Supreme Court | Civil Appeal 2966 / 2011 | UOI Vs SPS Vains Mj. General & Ors | 10.02.14 | 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. On 17.10.13, during hearing UOI sought time again and got it till 11.11.13. |
| 8 | Supreme Court | Civil Appeal 8875-8876 of 2011. | UOI & Ors. Vs. Vinod Kumar Jain & Ors (Avtar Singh) | 04.02.14 | 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. 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. Case clubbed with SLPC |

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| | | | | | 18339-341. Heard on 1.11.13. Delinked from SLPC 18339-341 and case adjourned for 02.02. |
| 9 | Supreme Court | Civil Appeal 5367 -5368 of 2005 | Principal Secretary, Govt. Finance and Planning Deptt., Andhra Pradesh vs. A.P. Pensioners Samaj. | 25.10.13. | Three Judge Bench Matter. |
| 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 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 |

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| | | | | | <p>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 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. | 15.01.14 | <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</p> |

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| | | | | | <p>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 to 18.12.13 without hearing. Again adjourned without hearing for 15.01.14.</p> |
| 12 | Supreme Court | <p>SLP (Civil) 19784 of 2013 with SLP(C)CC 12122,12366,12373,13325 & 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 when 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. SLPs Dismissed. No further information.</p> |
| 13 | Supreme Court | <p>SLP (C) 23055 of 2013</p> | <p>UOI & Ors Vs CGSAG Pensioners Assoc. & Ors.</p> | <p>DOJ 29.07.13</p> | <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</p> |

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| | | | | | 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 | 15.01.14 | 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 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. | 17.02.14 | 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 |

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| | | | | <p>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 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.</p> |
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| 16 | Supreme Court | SLP(C)CC No.18339 -341 of 2013 | UOI Vs DL Vhora & Ors. | 04.02.14 | <p>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 Gogai 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.</p> |
| 17 | Supreme Court | SLP(C) 19784 SLP (C) CC <u>12122, 12366, 12373, 13325, 14816</u> , all of 2013. | H V P N L Vs. R K Agarwal and Other 5 Respondents | DOJ 28.10.13 | <p>These SLPs (along with applications for condoning the delay) are against P&H High Court Judgments granting Modified Parity to 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</p> |

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| | | | | | 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. Oral hearing rejected. No merit in case. RP dismissed. |
| 19 | Supreme Court | SLP(C) 33864 of 2013 | U.O.I,SECRETARY,MIN OF COMMUNICATION&ORS Vs RAM KISHAN PANIPAT | DOJ 28.10.13 | Heard on 28.10.13. Hon.ble Supreme Court passed following order : We are not inclined 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. |
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