

Judgement of Supreme Court Dismissing all SLPs of Govt Reg Modified Parity to Pre 2006 Pensioners

Delivered by Justice. T.S. Thakur & Justice R. Banumati on 17th March, 2015

SLP(C)Nos.36148-36150 of 2013 , SLP(C)No.16780-16782 of 2014 & SLP(C) Nos.....of 2015 (CC Nos.16903-16904):

“We see no reason to interfere with the orders impugned. The special leave petitions are accordingly dismissed.

Ms. Pinky Anand, learned Additional Solicitor General, however submits that in view of the nature of the controversy as also the extent of financial burden arising out of the implementation of the impugned orders, the petitioners-U.O.I. may be given reasonable time to do the needful. That prayer is not opposed by counsel opposite. We accordingly grant four months' time from today to the petitioners to comply with the impugned orders failing which the contempt petitions pending before the Tribunal can be revived by the concerned petitioners and taken to their logical conclusion. All impleading and intervention applications are also dismissed.”

Brief Note by N. P Mohan Ex-CE WR & President RSCWS

On Dismissal of SLPs & CAs by SC on 17-3-2015

Modified Parity to Pre 2006 Pensioners: FOR WHOSE BENEFIT & TO WHAT EXTENT?

A number of long pending SLPs against the judgements of CAT/HC & AFT were dismissed by SC by order dated 17-3-2015 of which SLP (C) Nos. 36148-36150 of 2013 pertain to civilian pensioners... What benefit accrues to pre- 2006 pensioners with dismissal of these 3 SLPs is explained below:

1. **REASONS FOR LEGAL COURSE TO GET RIGHTFUL PENSION:** While implementing the accepted recommendations of 6th CPC, the Govt (vide orders dated 3-10-2008) misinterpreted the same by equating minimum of the pay in the PB corresponding to the pre revised pay scale to the minimum of the PB IRRESPECTIVE of the pre-revised scale of pay and applying it uniformly to all scales in the PB resulting in reduction of pension varying from scale to scale.
- i. **LEGAL COURSE:** Pensioners Association of S 29, comprising 660 retirees from various Groups 'A' Central Services (affected the most) were granted relief by unanimous judgement by Full Bench of PB CAT New Delhi on 1-11-2011. Respondents were directed (vide Para 30 of

CAT Judgement) to re-fix the pension of all pre-2006 pensioners as per Resolution dated 29-8-2008 (accepted recommendations) within 3 months This verdict was common to 4 OAs grouped with the lead application (OA 655/2010.) of S 29 group.

- ii. UOI filed WP (C) in March 2012 against the verdict of CAT in Delhi High Court which was dismissed on 29-4-2013 upholding decision of Full Bench of the Tribunal.

In the mean time, DOP vide OM dated 28-1-2013 stepped up the minimum pension of all pensioners in accordance with fitment table from an arbitrary date of 24-9-2012. This fact was noted by DHC by observing that “In short, the GOI has tacitly admitted that it was in the wrong and that the Tribunal is correct.”

- iii. Instead of implementing DHC orders, in one case of OA (655/2010), UOI filed SLP in SC which was dismissed on 29-7-2013 at the preliminary stage itself. This was followed by filing of Review Petition was dismissed on 12-11-2013 and CURATIVE PETITION was also dismissed on 30-4-2014 by 5 Judge Bench of the Apex Court, headed by CJI.

- iv. Thereafter, PB CAT, while discharging contempt petition on 15-5-2014, directed Govt to implement the directions of the Tribunal. The implementation order by the Govt was, however, restricted to only 660 petitioners of S 29 petitioners in OA 655/2010. In the mean time, UOI filed 3 SLPs against the common judgements & orders of CAT & DHC. Upon hearing the said SLP on 19-11-2013, Apex court ordered for listing along with civil appeals filed against AFT judgments.

It was only after nearly 1 ½ years on 17-3-2015 that SC has dismissed 3 SLPs cited above.

2. BENEFIT TO PENSIONERS BY DISMISSAL OF SLPs: In its judgement (given above), the court sees no reason to interfere with the orders impugned. These orders refer to PB CAT verdict of 1-11-2011 and DHC judgement of 29-4-2013. The quantum of minimum pension for each pay scale is already fixed from 24-9-2012 in accordance with the verdict of Tribunal. The same stands to be paid now from 1-1-2006* for which 4 months period is allowed up to 17-7-2015. It is now to be seen as to how soon the orders of the SC are implemented by Govt or the harassment of old pensioners (none less than 69 years) will be perpetuated further by resorting to Review and Curative Petitions.

N.P.MOHAN

25-3-2015

** A Table showing minimum Revised Pension in each of the Pre revised corresponding scale, is attached herewith for ready reference in this regard.*