

**MODIFIED PARITY RESTORED TO PRE-2006 PENSIONERS
BY PRINCIPAL BENCH OF CAT NEW DELHI**

In a unanimous judgement delivered by full bench of Principal Bench of CAT New Delhi on 1st November, 2011, in OA 655/2010 filed by over 500 Central Government SAG (S 29) Pensioners who had retired before 1.1.2006, modified parity as recommended by 6th CPC and accepted by Govt. has been restored. The operative part of judgement is given below:

Extract of judgement of Principal Bench of CAT New Delhi

- In OA 655/2010 & others (Dated November 1, 2011).

29. -----. *Once the Central Government has accepted the principle of modified parity, the benefit cannot be denied on the ground of financial constraints and cannot be said to be a valid reason.*

30. *In view of what has been stated above, we are of the view that the clarificatory OM dated 3.10.2008 and further OM dated 14.10.2008 (which is also based upon clarificatory OM dated 3.10.2008) and OM dated 11.02.2009, whereby representation was rejected by common order, are required to be quashed and set aside, which we accordingly do. Respondents are directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006, based on the resolution dated 29.08.2008 and in the light of our observations made above. Let the respondents re-fix the pension and pay the arrears thereof within a period of 3 months from the date of receipt of a copy of this order. OAs are allowed in the aforesaid terms, with no order as to interest and costs.*

(Dr. Veena Chhotray)
Member (A)

(M.L. Chauhan)
Member (J)

(V.K. Bali)
Chairman

NOTE:

i) With the above judgement of CAT, the pension has to be re-fixed as mentioned in col. 7 (Table attached) which is now the minimum pension and higher than fixed earlier as per col. 9.

ii) With the quashing of DOP OM of 3-10-2008 vide above judgement, the minimum pension presently fixed in accordance with col.9 is now redundant.

iii) Consolidated pension figure in col. 8 is for basic pension (B.P.) based on the minimum pay of pre revised scale. It can be more than col. 7 depending upon the B.P. fixed on the basis of salary drawn at the time of retirement.

iv) The beneficiary effect of the judgement will be clear from the attached table.

N.P.Mohan
Working President RSCWS,
Ex-CE, Western Railway.

CLICK HERE: (For Table showing difference in pension of Pre-2006 Pensioners – As per accepted Recommendations of 6th CPC and as misinterpreted vide DOP OM Dated 3-10-2008)