

G Sree Rama Murthy vs Department of Pensions & ... on 8 May, 2019

Author: Divya Prakash Sinha

Central Information Commission
Baba Gangnath Marg, Munirka
New Delhi - 110067

File No: CIC/DP&PW/A/2017/156599/SD

G Sreerama Murthy ... Appellant

VERSUS

CPIO,
Department of Pension & Pensioners Welfare,
3rd Floor, Lok Nayak Bhawan, Khan Market,
New Delhi - 110003. ... Respondent

RTI application filed on : 30/03/2017
CPIO replied on : 10/04/2017
First appeal filed on : 01/05/2017
First Appellate Authority order : 22/05/2017
Second Appeal dated : 08/08/2017
Date of Hearing : 06/05/2019
Date of Decision : 06/05/2019

Information sought:

The Appellant sought information regarding withdrawal of OMs dated 03.10.2008; 14.10.2008 and 11.02.2009.

Grounds for the Second Appeal:

The CPIO has not provided the desired information.

Relevant Facts

emerging during Hearing:

The following were present:-

Appellant: Not present.

Respondent: S.K. Makkar, US & CPIO, Department of Pension & Pensioners Welfare, Lok Nayak Bhawan, Khan Market, New Delhi present in person.

CPIO submitted during hearing that a detailed written submission shall be sent to the Commission before the end of the day and as per his submissions received by the Commission, he explained as under:

"Department of Pension and Pensioners Welfare issued O.M. dated 01/09/2008 relating to revision of pension of pre 2006 pensioners. In accordance with this O.M. the pension of pre 2006 pensioners shall not be lower than 50% of the minimum of the pay in the pay band plus the grade pay corresponding to the pre revised pay scale from which the pensioner had retired.

Department of Pension and Pensioners Welfare also issued O.M. dated 11/02/2009 in regard to revision of pension pre 2006 pensioners. This O.M. inter alia provided that the fixation of pension will be subject to the provision that the revised pension, in no case, shall be lower than fifty percent of the minimum of the pay in the pay band plus the grade pay corresponding to the pre-revised pay scale from which the pensioner had retired. Therefore, the benefit of up gradation of posts subsequent to their retirement would not be admissible to the pre 2006 pensioners in this regard.

The issue of modified parity was raised in O.A. No. 655/2010 filed in CAT Principal Bench. In compliance of the order dated 01/11/2011 of CAT Principal Bench in O.A. No. 655/2010, order dated 30/07/2015 was issued. The order of Hon'ble CAT dated 01/11/2011 in O.A. No. 655/2010 was limited to the issue of the minimum pay to be reckoned for minimum pension under para 4.2 of O.M. dated 01/09/2008. The issue regarding pension with reference to the upgraded post was neither considered nor decided by Hon'ble CAT in its order dated 01/11/2011. The instructions in the OMs dated 03/10/2008, 14/10/2008 and 11/02/2009 (which were quashed by CAT, PB) which were not the subject matters of OAs are still applicable.

The RTI applicant, Shri G Sree Rama Murthy was informed that CAT PB in its order dated 15/02/2016 (which was in advertently mentioned as 19.04.2016) in the case of [Rajendra vs Union of India](#) in OA No 2553-54, mentioned that "Though the Full Bench of the Tribunal quashed the OM dated 11.02.2009, ibid, the decision of the Full Bench was qua the applicants before it, and was not with regard to quashing of the decision of the Government regarding the admissibility of the benefit of up gradation of posts, subsequent to their retirement, to the pre-2006 pensioners".

File No: CIC/DP&PW/A/2017/156599/SD Therefore the instructions in the OMs dated 03/10/2008, 14/10/2008 and 11/02/2009 (which were quashed by CAT, PB) which were not the subject matters of OAs are still applicable. A copy each of O.M. dated 01/09/2008 and 30/07/2015 were sent to the applicant".

Decision Commission has gone through the case records and observes that appropriate reply has been provided to the Appellant by the CPIO and he has also provided adequate clarification regarding entire issue in submission during hearing. Commission upholds the submission of the CPIO. No further action lies.

The appeal is disposed of accordingly.

Divya Prakash Sinha
Information Commissioner

Authenticated true copy

Sd/-

Haro Prasad Sen

Dy. Registrar

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