

**IMPLICATIONS OF THE**

**Judgement of Delhi High Court Dated 29-4-2013 - Dismissing Writ Petition No. WP 1535-2012 filed by UOI and upholding the judgement of CAT in OA 655-2010 dated 1-11-2011 and concurring with the judgement of Pb & Hry HC in W.P.(C) No.19641/2009 dated 21-12-2012 - R.K.Aggarwal & Ors. Vs. State of Haryana & Ors**

**(See copy at: <http://rscws.com/pdfdocs/Judgement of Delhi High Court Dated 29-4-2013.pdf> )**

**As desired by some Members, it is hereby clarified that the main implications of the Judgement of Delhi High Court Dated 29-4-2013 - in WP 1535-2012, shall be as under:**

- I. Judgement of of CAT PB in OA 655-2010 dated 1-11-2011, will have to be implemented by the Govt;
- II. OM dated 3-10-2008 & OM dated 14-10-2008 of DOP stand quashed as per CAT PB New Delhi Full Bench judgement in the said OA.
- III. Necessary orders will be issued by the DOP on acceptance of the judgement by the Govt.
- IV. Minimum Pension of all CG Pensioners shall be revised as per accepted Recommendations of the Sixth CPC - as Notified vide GOI Resolution dated 29-8-2008;
- V. By implication, DOP OM dated 28-1-2013 will become implementable from 1-1-2006 (instead f 24-9-2012);
- VI. Minimum Pension of all CG Pensioners shall be fixed w.e.f. 1-1-2006, @ 50% of the sum of minimum of pay in the pay band and the grade pay corresponding to the pre-revised pay scale from which the pensioner had retired, as arrived at with reference to the fitment tables annexed to the Ministry of Finance, Department of Expenditure OM No.1/1/2008-IC dated 30-8-2008.
- VII. Minimum Pension as above from 1-1-2006 will be payable forthwith, to the concerned Pre 2006 Pensioners – whose Revised Pension had been fixed at a level lower than Col 9 of the ANNEXURE attached herewith. It will now be fixed as per Col 9 of the Annexure.
- VIII. a) Revised PPOs shall be required from PSA / PAO of the office from which the Pensioners last retired.  
b) Banks will charge the Revised Pension & the Arrears on receipt of Revised PPOs & Orders of DOP as per judgement.
- IX. All this is subject to the Provision that the Govt. does not file an SLP in Supreme Court
- X. In case the SLP is filed in 3 Months from the date of judgement of Delhi HC, then it will all depend on the decision of the SLP.

**In our views, the Govt. should not file the SLP, in view of the National Litigation Policy as well as in view of the merits of the case, besides other factors – taken note of in the concurring judgements of various Benches of the CAT, Punjab & Haryana High Court and Delhi High Court.**

***Encl: One Annexure & one Table for Min. Pension***


**Er. HARCHANDAN SINGH  
Secretary General Railway Senior Citizens Welfare Society (RSCWS)**

# RAILWAYS SENIOR CITIZENS WELFARE SOCIETY

CHANDIGARH, PANCHKULA & MOHALI

(Estd. 1991, Regd. No. 1881 – Under Registration of Societies Act), Website <http://rscws.com>

(AFFILIATED TO BHARAT PENSIONERS' SAMAJ)

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No. RSCWS/ BPS / 2013 -4		Dated: 30-4-2013

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- vii) Minimum Pension as above from 1-1-2006 will be payable forthwith, to the concerned Pre 2006 Pensioners – whose Revised Pension had been fixed at a level lower than Col 9 of the ANNEXURE attached herewith. It will now be fixed as per Col 9 of the Annexure.
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- ix) All this is subject to the Provision that the Govt. does not file an SLP in Supreme Court
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In our views, the Govt. should not to file the SLP, in view of the National Litigation Policy as well as in view of the merits of the case, besides other factors – taken note of in the concurring judgements of various Benches of the CAT, Punjab & Haryana High Court and Delhi High Court.

Encl: One Annexure

(Harchandan Singh),  
Secretary General, RSCWS,  
& Vice President BPS

**MINIMUM REVISED BASIC PENSION OF PRE-2006 PENSIONERS W.E.F. 1-1-2006  
FOR EACH OF CORRESPONDING 5<sup>TH</sup> CPC SCALE  
(AS PER ACCEPTED RECOMMENDATIONS OF SCPC & AS UPHELD BY CAT & DHC)**

Existing Pay Scales			Revised Pay As per accepted Recommendations of Sixth CPC			Consoli- dated pension with 40% Fitment Benefit (vide Para 4.1 of DOP OM of 1-9-08) i.e. 2.26 X B.P	Pension fixed (as per DOP OM Dt 3/10/08 Since quashed by CAT & DHC	<b>MINIMUM REVISED BASIC PENSION of Pre-2006 Pensioners (50 % of Col 6)</b>
Existing Pay Scales as per 5th CPC (BP)	SCP C Pay Band	Revised Pay Structure (Pay Band + Grade Pay)	Pay in the Pay Band ( <i>correspond ing to minimum of Pre- Revised pay scale</i> )	Grad e Pay (GP)	Revised Basic Pay (Col. 4+ Col 5)			
1	2	3	4	5	6	7	8	9
S-4(2750-4400)	PB-1	5200-20200+1800	5530	1800	7330	3500	3500	3665
S-5(3050-4590)	PB-1	5200-20200+1900	5880	1900	7780	3500	3550	3890
S-6(3200-4900)	PB-1	5200-20200+2000	6060	2000	8060	3616	3600	4030
S-7(4000-6000)	PB-1	5200-20200+2400	7440	2400	9840	4520	3800	4920
S-8(4500-7000)	PB-1	5200-20200+2800	8370	2800	11170	5085	4000	5585
S-9 (5000-8000)	PB-2	9300-34800+4200	9300	4200	13500	5650	6750	6750
S-10 (5500-9000)	PB-2	9300-34800+4200	10230	4200	14430	6215	6750	7215
S-11(6500-6900)	PB-2	9300-34800+4200	12090	4200	16290	7345	6750	8145
S12((6500-10500)	PB-2	9300-34800+4200	12090	4200	16290	7345	6750	8145
S-13 (7450-11500)	PB-2	9300-34800+4600	13860	4600	18460	8419	6950	9230
S-14 (7500-12000)	PB-2	9300-34800+4800	13950	4800	18750	8475	7050	9375
S-15 (8000-13500)	PB-2	9300-34800+5400	14880	5400	20280	9040	7350	10140
New scale-GrA	PB-3	15600-39100+5400	15600	5400	21000	9040	10500	10500
S-16,(9000)	PB-3	15600-39100+5400	16740	5400	22140	10170	10500	11070
S-17(9000-9550)	PB-3	15600-39100+5400	16740	5400	22140	10170	10500	11070
S-18 (10325-10975)	PB-3	15600-39100+6600	19210	6600	25810	11666	11100	12905
S-19 (10000-15200)	PB-3	15600-39100+6600	18600	6600	25200	11300	11100	12600
S-20 10650-15850)	PB-3	15600-39100+6600	19810	6600	26410	12035	11100	13205
S-21(12000-16500)	PB-3	15600-39100+7600	22320	7600	29920	13560	11600	14960
S-22 (12750-16500)	PB-3	15600-39100+7600	23720	7600	31320	14408	11600	15660
S-23 (12000-18000)	PB-3	15600-39100+7600	22320	7600	29920	13560	11600	14960
S-24 (14300-18300)	PB-4	37400-67000+8700	37400	8700	46100	16159	23050	23050
S-25 (15100-18300)	PB-4	37400-67000+8700	39690	8700	48390	17063	23050	24195
S-26 (16400-20000)	PB-4	37400-67000+8900	39690	8900	48590	18532	23150	24295
S-27(16400-20900)	PB-4	37400-67000+8900	39690	8900	48590	18532	23150	24295
S-28 (14300-22400)	PB-4	37400-67000+10000	37400	10000	47400	16159	23700	23700
S-29 (18400-22400)	PB-4		44700	10000	54700	20792	23700	27350