



# Railways Senior Citizens Welfare Society

(Estd. 1991, Regd. No. 1881 – Under Registration of Societies Act),

Website <http://www.rscws.com>

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No. RSCWS/ CHD/2015-4

Dated: 24-7-2015

Shri Narinder Modi,  
Hon. Prime Minister of India &  
Minister of Personnel, PG and Pensions,  
South Block, New Delhi.

## S.O.S. TO SAVE OLD PENSIONERS FROM FURTHER LITIGATION & CONTINUOUS SUFFERING

Dear Sir,

Subject: Implementation of judgment of Supreme Court of India – Reg: Re-fixation of pension of Pre-2006 Pensioners from 1-1-2006 as per accepted Recommendations of Sixth Pay Commission vide Resolution dated 29-8-2008.

Ref: i) Judgment of CAT New Delhi in OA 655/2010 dated 1-11-2011

ii) Judgment of Hon. Supreme Court of India dated 17-3-2015 on SLP(C) Nos.36148-36150 of 2013, SLP(C)No.16780-16782 of 2014 & SLP(C) No..... of 2015 (CC Nos.16903-16904)

1. We deeply regret in bringing to your kind notice the hardship and suffering which thousands of Central Government Pensioners have been forced to undergo for the last 7 years because the Govt has not implemented judgement of PB CAT upheld by the HSC thus depriving them of the correct pension due to them from 1-1-2006 as per the Resolution of Government of India dated 29-8-2008.

2. Hon. Supreme Court had passed the following orders on 17-3-2015 in the SLPs cited above:

*“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.”*

3. More than 4 months have passed but the Government has so far not issued the orders for implementation of the above judgment of the Supreme Court, thus aggravating the hardship of the Pensioners - who are mostly at the fag end of their lives - are being unjustly dragged into repeated litigations for getting their rightful dues.

4. The impugned orders mentioned above in the above said orders of Supreme Court, referred to in the verdict dated 1-11-2011 (Ref (i) above) of PB CAT New Delhi directing re-fixation of pension of all Pre-2006 pensioners from 1-1-2006 based on the Resolution Govt. of India dated 29-8-2008.

The operative Para of the CAT verdict is reproduced below:

30. ----- "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.

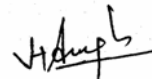
Respondents are directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006, based on the resolution dated 29.08.2008 and in the light of our observations made above. Let the respondents re-fix the pension and pay the arrears thereof within a period of 3 months from the date of receipt of a copy of this order. OAs are allowed in the aforesaid terms, with no order as to interest and costs."

5. It is, therefore, requested that the judgment of the CAT dated 1-11-2011 in OA 655/2010 and that of the Supreme Court dated 17-3-2015 cited above may please be implemented; And

Pension of the affected Pre 2006 Pensioners - which had been arbitrarily fixed from 24-9-2012 vide OM dated 28-1-2013 - may please be re-fixed from 1-1-2006 as per Resolution of G.O.I. dated 29-8-2008; and arrears thereof may please be paid accordingly early, to ameliorate further suffering of the affected Pensioners.

With regards,

*Yours faithfully,*



*(Harchandan Singh)*  
Secretary General, RSCWS

*Copy for information & favourable consideration to:*

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