

# **SC junks govt plea against pension arrears to pre-2006 retirees**

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In relief to lakhs of central government employees and soldiers, the Supreme Court has rejected a curative petition filed by the government against an order of granting benefits to pre-2006 retirees with effect from January 1, 2006.

The government wanted to give the arrears of the benefits from September 24, 2012.

The matter had originated after the court had ordered fixing of pension based on minimum pay for each rank in the respective pay band.

Earlier, there were anomalies in pension of pre-2006 central government retirees that had come to light after the implementation of the Sixth Pay Commission.

The issue was whether pension was to be calculated based on the minimum of each rank within the newly introduced pay bands, or on the minimum of the pay band itself.

The Central Administrative Tribunal (CAT) and Armed Forces Tribunal (AFT) then corrected it and ruled that the pension would be calculated on the basis of minimum of each rank within a particular pay band.

The central government then itself removed the anomaly but granted the benefits from September 24, 2012, rather than January 1, 2006, when the anomaly had started.

But the Delhi high court later ruled that the arrears have to flow from 2006. The government moved the Supreme Court against that, but the SC dismissed its special leave petition in July 2013. A review petition, too, was dismissed four months later.

The government did not stop there and filed the curative petition. A five-judge bench, comprising chief justice of India RM Lodha and justices HL Dattu, BS Chauhan, Surinder Singh Nijjar and Fakkir Mohamed Ibrahim Kalifulla, dismissed that on Wednesday.

“A curative petition is not an ordinary remedy, and is usually meant to cure ‘gross miscarriage of justice’. It is unfortunate that for the government, the grant of correct pension to its pensioners is ‘miscarriage of justice’,” said Major Navdeep Singh, a Punjab and Haryana high court advocate.