



Monthly Journal of
KARNATAKA POSTS AND TELECOMMUNICATIONS
PENSIONERS' ASSOCIATION (R)

(KSR Act 1960, REG. No. 1069/98-99)
(FORMERLY RMS PENSIONERS' ASSOCIATION)

Registered as "A Wholly Charitable Trust" U/S 12A of I.T. Act 1961

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"PENSIONERS' DAY"- A DAY TO THANK THE JUDICIARY

B.Sadashiva Rao

Former Chairman, CCCGPA and Former President, K P&T PA

Pensioners, all over India observe "Pensioners' Day" in the month of December, every year. It is necessary that every Pensioner understands its significance.

2. Present day Pensioners may not be aware that till late seventies, there was nothing like revision of pension, when once it is fixed and authorised at the time of retirement. The First, Second and Third Central Pay Commissions had not even discussed this aspect in their reports as they were not required to do so as per the Terms of Reference handed to them by the Government,

3. It is the famous judgment of the Supreme Court of India (Called-"Nakra Judgment"), which changed the life of Pensioners. The Five Member Bench presided over by the Hon'ble

Justice Sri.Y.V.Chandrachud heard Writ Petition No: 5939-41/1980 filed under Article 32 of the Constitution by (late) Sri. D.S.Nakra, a civil servant, who retired on superannuation as Financial Advisor in the Ministry of Defence, Rear Admiral (late) Sri. Satyendra Singh, who retired from the Armed Forces and "Common Cause", a Society registered under the Societies Registration Act, 1960 and delivered a brilliant decision, which put the Pensioners on a different pedestal - a more dignified and respectful position. In fact, this judgment of 17th December 1982 has found an entry in the Guinness Book of World Records!

4. Some of the important observations contained in the Nakra Judgment are reproduced below for the information of our brother Pensioners:-

i) Para-22: "In the course of transformation of Society from feudal to Welfare and as socialistic thinking acquired respectability, State obligation to provide security in old age, an escape from undeserved want, was recognised and as a first step, pension was treated not only as a reward for past service but with a view to helping the employee to avoid destitution in old age. The quid pro quo was that when the employee was physically and mentally alert, he rendered unto master the best, expecting him to look after him in the fall of life. A retirement system therefore exists solely for the purpose of providing benefits....."

ii) Para-26: ".....A pension scheme, consistent with available resources, must provide that the Pensioner would be able to live:

(I) Free from want and with decency, independence and self respect,

(II) At a standard equivalent at the preretirement level....."

(III) Para-31: "From the discussion three things emerge: (i) that pension is neither a bounty nor a matter of grace, depending upon the sweet will of the employer and that it creates a vested right subject to 1972 Rules, which are statutory in character because they are enacted in exercise of powers conferred by the proviso to Art.309 and clause (5) of Art. 148 of the Constitution; (ii) that the pension is not an ex-gratia payment but it is a payment for the past service rendered; and (iii) it is a social welfare measure rendering socio economic justice to those, who in the heyday of their life ceaselessly toiled for the Employer on an assurance that in their old age they would not be left in the lurch....."

(IV) iv) Para-39: ".....Those, who rendered the same service, earned less pension and are exposed to the vagary of rising prices consequent upon the inflationary inputs. If, therefore, those, who are to retire subsequent

to the specified date, would feel the pangs in their old age, of lack of adequate security, by what stretch of imagination the same can be denied to those, who retired earlier with lower emoluments and yet are exposed to the vagaries of the rising prices and the falling purchasing power of the rupee. And the greater misfortune is that they are becoming older compared to those who would be retiring subsequent to the specified date....."

5. Coming back, let me explain, in brief what exactly the claims of the petitioners were. Government of India had issued two orders - 1) on 25-5-1979- in the Ministry of Finance and 2) on 28-9-1979 in the Ministry of Defence, extending certain benefits under the Liberalised Pension Scheme to 1) Government servants who were in service on 31-3-1979 and retire from service on or after that date and 2) to Armed Forces Personnel who become non-effective on or after 1-4-1979. Both Sri D.S. Nakra and Sri Satyendra Singh did not get the benefit of the liberalised Pension Scheme as they had retired under II CPC in 1972. The circumstances, they had contended in the Petition that "If the pension is paid for past satisfactory service rendered and to avoid destitution in old age as well as a social welfare or Socio-economic justice measure, the differential treatment for those retiring prior to a certain date and those retiring subsequently, the choice of the date being wholly arbitrary, would be according different treatment to Pensioners who form a class, irrespective of the date of retirement and, therefore would be violative of Art. 14. They also contended that classification based on fortuitous circumstances of retirement before or subsequent to a date, fixing of which is not shown to be related to any rational principle would be equally violative of Art.14.

6. Holding the stipulations in the Government Orders as unconstitutional, the Apex Court declared that all Pensioners governed by the 1972 Rules and Army Pension Regulations

shall be entitled to pension as computed under the Liberalised Pension Scheme from the specified date, irrespective of the date of retirement and that arrears of pensions prior to the specified date as per fresh computation is not admissible

7. After delivery of this judgment (i.e. 17-12-1982), the IV Central Pay Commission was constituted in July, 1983 and the Government of India, for the first time issued a Supplementary Terms of Reference "including therein the case of past Pensioners. The IV CPC, in its report, hailed the Nakra Judgment as the "Law of the Land"-i.e. pension to be treated as property and all Pensioners, irrespective of their date of retirement, to be treated as a homogeneous group for the purpose of pension including relief. For the first time, basic pension fixed at the time of retirement was consolidated giving fitment weightage (Additional Relief) on par with serving employees. Pensioners got Dearness Relief at the same rates as admissible to employees calculated on slab formula fixed at 50% of slabs for serving employees. Calculation of Pension/Family Pension based on slab system was recommended to be discontinued and pension @ 50% of Average Emoluments and Family Pension @ 30% of basic pay drawn at the time of retirement was recommended. For the first time a minimum of Rs. 300/- was recommended for grant of Family Pension.

8. Soon thereafter, Sri Rajeev Gandhi, who took over as Prime Minister of India (1984-'89), improved the lot of those, who were past 60 years. He gave them a dignified designation as "Senior Citizens" for the purpose of extending Government benefits. A separate Department as "Department of Pension and Pensioners' welfare" was constituted to look after the welfare of Pensioners. The SCOVA was constituted to facilitate periodical meetings with representatives of Pensioners' Assns."Pension Adalath" was ordered to be held at various levels to hear and redress Pensioners'

grievances. Central Administrative Tribunals (CATs) were established to hasten settlement of disputes pertaining to service matters of Government employees/pensioners.

9. Successive Central Pay Commissions headed by Judicial Luminaries, were also influenced by the Nakra judgment and a liberalized outlook was followed towards demands of Pensioners as could be seen from the following liberalizations in pension matters recommended by them.

i) 5th CENTRAL PAY COMMISSION (Headed by Justice Pandyan)

1) The principle of 'Complete Parity' and 'Modified Parity' in pension fixation, 2) Full compensation for price rise @ 100% DR, 3) Introduction of the concept of 'Interim Relief', 4) Introduction of Fixed Medical Allowance, 5) Full DA to count for Gratuities, 6) Percentage of Commutation of pension raised to 40% instead of 33 1/3%, 7) Age of superannuation raised to 60 years from 58 years, 8) Employed Family Pensioners and reemployed Pensioners to get DR, 9) Family Pension to be uniformly @ 30% of last Pay drawn instead of on slab system, 10) Dearness Pay @ 50% to count for 'Emoluments' and 11) Merger of 97% of DA in pay for gratuity purpose for those Pensioners who retired between 1. 7. 93 and 31. 3. 95. (given effect to from 1-4-1995)

ii) 6th CENTRAL PAY COMMISSION (Headed by Justice SriKrishna)

- 1) Last Pay drawn or Average Emoluments whichever is more beneficial to count as 'Emoluments' for computation of pension
- 2) Age related Additional Pension introduced,
- 3) Enhanced Family Pension for 10 years when the Govt. servant dies in harness and 4) Full pension for 10 years of service instead of 33 years.

10. Judiciary, at various levels, began quoting extensively the law laid down in Nakra Judgment for deciding cases of Pensioners.

The following are important cases decided in favour of Pensioners by the Supreme Court after the Nakra Judgment

- i) WP: 5870-93/81: Ponnammal & Another – Vs - U.O.I - Justice D.S. Desai and Justice Ranganath Misra(Date of judgment: 30-4-1985) Family Pension under the Family Pension Scheme, 1964 was made admissible to all those who retired prior to 1-1-1964 also.(though the same was originally made effective from 22-9-1977)
- ii) WP: 3958/61/83: Common Cause & Ors.– Vs UoI - Justice P.N. Bhagavati & Justice Ranganath Mishra. (Date of Judgment: 9-12-1986) - Restoration of Commuted portion of pension with effect from 1.4.1985 or after 15 years of retirement, whichever is later
- iii) WP:11855/85 : P.Sundararajan & Welfare Assn. of Absorbed employees of Public Sector Enterprises – Vs - U.o.I. Justice Kuldeep Singh, Justice K. Venkataswamy and Justice S. Rajendra Babu: Restoration of 1/3rd commuted portion of pension from the date of commutation or 1.4.1985, whichever is later of PSU Absorbee with consequential benefit of Family Pension.(date of judgement-15-12-1995) And the recent judgments are:
- iv) OA: 655/2010 in CAT, Principal Bench, Delhi-Central Govt.SAG(S-29) Pensioners' Assn. – Vs - U.o.I read with WP: 1535/2012 in Delhi High Court and SLP(C) 23055/13 in Supreme Court of India – Date of judgement: 1-11-2011 Extension of the benefit of Modified Parity (as defined originally in the DoP&PW Resolution dated 29-8-2008). As all the Writ Petitions/ Special Leave Petitions filed by the Government in Delhi High Court/ Supreme Court were dismissed, the Govt. issued an order on 30.07 2015 to the effect that the Pension/ Family pension of all pre 2006 Pensioners/ Family Pensioners may be revised in accordance with the order dated 28.1.2013 of DOP&PW WITH EFFECT FROM 1.1.2006 INSTEAD OF FROM 24.9.2012

- v) OA:937/2010 with OA:2101/2010 in CAT Delhi. All India S30 Pensioners' Assn. Order dated 20.11.2014 as modified in RA.10/2015 dated 24.9.2015. The Tribunal has heavily relied upon the Nakra Judgment and passed Order to the effect that the Government (i.e Respondents) should consider the revised pay of the Applicants corresponding to the pay at which, the concerned Pensioner had, in fact retired instead of considering the minimum of the said pay scale to determine the pension of pre 2006 retirees, adding in the order dated 24.9.2015 that the basic pension of pre 2006 retirees in grade S 30 should be fixed such that it is not less than Rs.38,500
- vi) Restoration of 2/3rd commuted portion of pension of PSU absorbees who had drawn a lump sum payment equivalent to 100% of their pension on their absorption in CPSUs. Union of India and another- Vs-(late) K.Ganesan in Civil Appeals Nos. 6048 of 2010 and 6371 of 2010 decided by the Supreme Court of India on 1-9-2016. The Appeal of the Union of India was dismissed and the judgment of Madras High court in WPNo. 22207 of 2002 was upheld. The Government of India has issued an Order for implementation of the court judgment on 23-6-2017

11. It could thus be seen that Pensioners, who were totally ignored by the Government in the past, secured justice from the Judiciary for improving their lot and therefore, it is but natural that they feel grateful to the Judiciary. Every year in the month of December, they celebrate "Pensioners' Day" to thank the Judiciary as the Nakra Judgment was delivered in the month of December.

THE PRESENT SCENARIO- A DISAPPOINTMENT!

12. (i) While we express our gratitude to the judiciary, we also felt happy when the Government of India announced the "National Litigation Policy" on 23-06-2010 (By

Sri. Veerappa Moily, the then Minister for Law) This was primarily intended to reduce average pendency time for cases in courts from 15 years to 3 years. The vision/mission of the National Litigation Policy is based on the recognition that Government and its various agencies are the pre-dominant litigants in courts and Tribunals in the country. Its aim is to transform Government into an efficient and responsible litigant. This policy is also based on the recognition that it is the responsibility of the Government to protect the rights of citizens to respect fundamental rights and those in charge of the conduct of Government litigation should never forget this basic principle

- (ii) None of the pious platitudes in the National Litigation Policy has been followed, indicating not only the Union of India's lack of concern for the justice delivery system but scant regard for its own National Litigation Policy. It was learnt that the National Litigation Policy, 2010 was being reviewed and formulation of the National Litigation Policy, 2015 was under consideration. When this will be finalised is any body's guess. There is also an Action Plan to reduce Government Litigation which was formulated on 13th June, 2017.

13. The following observations of the Hon'ble Supreme Court (in Civil Appeal No.-of 2018-arising out of Diary No. 8754 of 2018-Union of India –Vs- Ors—appellants –Vs- Pirthwi Singh& Ors....Respondents) delivered on 24-4-2018 is worth mentioning here.

“ Interestingly, the Action Plan mentions, among others, two interesting steps to reduce pendency:

- (i) Avoid unnecessary filing of appeals – appeals should not be filed in routine matters –Only in cases where there is a substantial policy matter.
- (ii) Vexatious litigation should be immediately withdrawn.

(14). These pendency reduction steps

(particularly (ii) above) have been conveniently overlooked as far as this appeal is concerned.

(15). To make matters worse, in this appeal, the Union of India has engaged 10 lawyers, including an Addl. Solicitor General and a Senior Advocate! In other words, the Union of India has created a huge financial liability by engaging so many lawyers for an appeal whose fate can be easily imagined on the basis of existing orders of dismissal in similar cases. Yet, the Union of India is increasing its liability and asking the tax payers to bear an avoidable financial burden for the misadventure. Is any thought being given to this?

(18). The appeal is dismissed with costs of Rs. 1, 00,000/- as before, to be deposited with the Supreme Court Legal Services committee within four weeks from today for utilization for juvenile justice issues. Pending IAs are also disposed.

(19) List for compliance after five weeks.”

12. In Karnataka, 32 pensioners of the Posts and Telecommunications departments had approached CAT Bangalore seeking quashing of OM dated 1-8-1996 and requesting extension of CGHS facilities to them. Though their applications were decided in their favour both by the CAT and the High court of Karnataka, and though the SLPs filed by the Government of India were dismissed by the Supreme Court on 22-8-2014, order revoking the Health Ministry's order dated 1-8-1996, which had barred P&T pensioners, who were not CGHS beneficiaries while in service, from availing CGHS facility after retirement, was issued only on 19-7-2017, i.e., after 21 years! This is an instance of a bitter pill to be swallowed on the “Pensioner's Day”.

**Central Government Holiday in
DECEMBER 2018**

1. Christmas 25th December, Tuesday

Submission of Life Certificate in November 2018 in Digital mode *Digital Life Certificate*

A pensioner friendly initiative by the Department of Pension and Pensioners' welfare

Update on the initiative published in October 2018 issue of the journal

Our association, in compliance of the instructions of the Dept. of Pension & PW, commenced the work on 1st November in right earnest, making use of "Samsung Galaxy Tab Iris tablets" supplied to us by the DoP&PW through Shri Manojkumar and Shri R K Dutta, both Under Secretaries, who visited our office in "Pensioners' Bhavan" on 20th Oct 2018.

On day one, we were able to generate DLC of 3 pensioners. On 2-11-2018, another 4 pensioners could get their DLCs. On both the days we met the pensioners, 1 disabled and the others very senior pensioners, at their residences for generating DLCs. The response of the Pensioners was encouraging. The aged pensioners were highly appreciative of the pensioner friendly initiative of DOP&PW and the service given by the association at their door step.

Our endeavour in assisting pensioners in getting DLC was fraught with several impediments. The main problem was in locating the residences, at the addresses available with us. We had to criss- cross several roads and blocks which took considerable time in finding their residences which reduced the number of pensioners that we could meet on a single day. We had to seek the help of pensioners in the area to locate the houses of the pensioners but for whom, finding the correct premises would have been more difficult.

Even registration of Pensioners with Jeevan Pramaan for generating DLC was not that EASY. Since DLC is Aadhaar based the name indicated in Aadhaar did not match with the name in the PPO and Bank account as the initials of the pensioner were entered differently in Aadhaar and in PPO & Bank account in short form and in expanded forms

or either prefixed or suffixed to the name. DLC could be generated only after several attempts which was time consuming and inconvenienced the older pensioners as we had to scan their iris several times.

In addition to the above, visiting residences of Pensioners was rather expensive especially when it involved travelling from one end of the city to another since private transport had to be engaged to save time and to reach more number of pensioners.

Undeterred, we continued with our visits to the residences of Pensioners on the subsequent days also and hope to assist as many pensioners as possible before 30th November.

While we had furnished the names of 1089 pensioners aged 75 + to DoP&PW, a majority of whom were the members of KP&TPA, the pension department later decided to extend the facility of submission of DLC from the residences to those pensioners getting their pension from banks and aged 80 +. Postal pensioners, who form a majority of our members, were excluded from the initiative taken by DoP&PW since 99 % of postal pensioners get their pension from post offices, which have not yet been linked to Jeevan Pramaan. We were, therefore, forced to concentrate only on pensioners retired from other departments, which obviously cut into the number of pensioners that we could reach out to.

By the time of going to the press, we were able to get about 150 DLCs generated, though we approached a good numbers of pensioners at their residences and on telephone as well. In a nut shell, our endeavour in assisting pensioners in getting DLC was fraught with the

following impediments, which adversely affected in ensuring a steady and good progress.

- 1) Exclusion of postal pensioners from the initiative.
- 2) Most of the pensioners, in spite of our repeated requests through our journal have not furnished their mobile phone numbers.
- 3) Though our Journal reaches 1700 readers, only 12 responded by asking us to assist them in submission of DLC.
- 4) Pensioners could not be reached through the land line telephone numbers available with us.
- 5) Problem in locating the residences at the addresses available with us.
- 6) Travelling to the areas in the outskirts of the city
- 7) Some pensioners told us that they themselves would submit their life certificate.
- 8) A good number of pensioners had already submitted their life certificate.
- 9) Pensioners, who are not too old, preferred to go to the bank nearer their residences instead of going to a place suggested by us, which might be farther than their bank

10) Some did not have the documents required

11) Registration of Pensioners with Jeevan Pramaan was not that EASY for the reasons explained in para 4 above.

Despite the troubles explained above that we faced, we continued to serve pensioners, who needed assistance in submission of DLC, some of whom were facing serious health conditions, which had made them unable to move out of their residences to go to bank for submission of life certificate.

We will be failing in our duty if we did not express our special thanks to Shri T V Suryaprakash, Joint Secretary, CCCGPA, Karnataka and Secretary, Coffee Board Pensioners Association who ,despite his pressing domestic engagements, was with our Executive Committee Members, S/s V.Gopal, V.Murugan and K R Anantha Ramu and Nagaraju on all the days when we set out on the job , trained our EC members in handling the Tab, took them around in his car which helped in locating the premises and assisting more pensioners.

We wish to place on record the support extended by Sri T.V. Suryaprakash to our association and the concern shown by him for pensioners welfare.

HCOs removed from the list of empanelled organizations by the O/o the Additional Director, CGHS, Bangalore

1. **Shankara Eye Hospital**, Varthur Main Road, Kundalahalli gate, Bangalore-560037 from 25/09/2018.
2. **Vikram Hospital**, 17/1, Millers Road, Bangalore 560052 from 25/09/2018
3. **Kanva Diagnostic Service Pvt Ltd**, Dr. Rajakumar Road, Rajajinagar, Bangalore-560010 from 1/10/2018.

Attention of CGHS Beneficiaries

Narayana Super Speciality Hospital, 9th Cross, Margosa Raod, Bangalore 560003
IS NOT EMPANELLED UNDER CGHS Bangalore.

**APPEAL
CONSTRUCTION OF AN ANNEXE TO
PENSIONERS' BHAVAN**

**We express our gratitude to our
Members, Subscribers and well wishers, who
so generously contributed to the building fund.**

The donations received so far amounts to Rs.63 lakh. But, we still need help since the final bill presented by the Contractor is to be paid. Though provision for a lift has been made, it could not be installed for want of funds. Our ambition of constructing an auditorium in the second floor for holding annual general body meetings remains unfulfilled.

We, therefore, appeal to our Members who have not yet paid their contribution to the building fund to consider remitting their liberal donation to facilitate payment of the final bill to the contractor. 27th list of donations is published in this issue.

Income Tax exemption: 50% of the amount of donation made to K P&TPA, is eligible for deduction in the Gross total Income under Section 80-G of Income Tax Act.

Donation to be remitted by **crossed cheque** payable to **"Karnataka P&T Pensioners' Association"**. (Not KPTPA or KP&TPA)

Cheques may please be sent to: K.R.Anantha Ramu, No 1158, 7th Main, 7th Block, HMT Layout, Vidyaranyapura, Bengalolre-560097. (Ph: 080 23642466 Mob: 9448477129)

Note: Cheques are not to be drawn in the names of either the Secretary or the Treasurer



CGHS

**Volunteers to work as "Pensioners' Representatives" in the
CGHS Advisory Committees in Wellness Centres and in
Polyclinic for the two-year term from January 2019 to December 2020.**

The Coordination Committee of Central Government Pensioners' Associations, Karnataka has addressed its Affiliate Associations connected with CGHS to call for volunteers from among their Members to work as "Pensioners' Representative" in the Advisory Committees in CGHS Wellness Centres and Polyclinic for the two-year term from January 2019 to December 2020.

Applications are invited from the Members of Karnataka P&T Pensioners' Association. Members volunteering to work in the post are requested to furnish the under mentioned information in their applications:(1) Name of the volunteer (2) Office from which retired (3) Wellness Centre in which he desires to work (4) Address (5) Landline/mobile phone No. (6) Email ID. The Member should be a Beneficiary of the respective Wellness Centre (except Polyclinic) in which he /she desires to be a Member of the Advisory Committee. The application should reach the Secretary, K P&T P A before 15-12-2018

Working Office address: No. 165, 4th Main, 3rd Block, 3rd Stage,
Basaveshwaranagar, Bengaluru-560 079. Phone: 23230545

**Court
Order**

High Court of Madras orders that Central govt employees who retired on 30th June under the 6th CPC regime are eligible to get increment on 1st July to be reckoned for pensionary benefits only.

IN THE HIGH COURT OF JUDICATURE AT MADRAS , W.P.No.15732 of 2017 DATED : 15.09.2017

Petitioner : P.Ayyamperumal

Respondents: (1)The Registrar, Central Administrative Tribunal, Madras Bench, High Court Complex, Chennai-600 105(2)Union of India rep.by the Chairman, CBEC, North Block, New Delhi-110 001. (3)Union of India rep.by Department of Personnel & Training, New Delhi(4)The Director of General (Inspection), Customs & Central Excise, "D" Block, I.P.Bhawan, I.P.Estate, New Delhi-110 002

ORDER (Order of the Court by HULUVADI G.RAMESH, J.)

Extract of a few paras of the Order

This writ petition has been filed to quash the order passed by the first respondent-Tribunal in O.A./310/00917/2015 dated 21.03.2017 and to consequently direct the fourth respondent to treat the retirement date of the petitioner as 01.07.2013 and grant him all the consequential benefits including the pensionary benefits

2.The case of the petitioner is that he joined the Indian Revenue Service in Customs and Excise Department in the year 1982 and retired as Additional Director General, Chennai on 30.06.2013 on attaining the age of superannuation. After the Sixth Pay Commission, the Central Government fixed 1 st July as the date of increment for all employees by amending Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008. In view of the said amendment, the petitioner was denied the last increment, though he completed a full one year in service, ie., from 01.07.2012 to 30.06.2013. Hence, the petitioner filed the original application in O.A.No.310/00917/2015 before the Central Administrative Tribunal, Madras Bench, and by order dated

21.03.2017, the Tribunal rejected the claim of the petitioner by <http://www.judis.nic.in> 3 taking a view that an incumbent is only entitled to increment on 1 st July if he continued in service on that day. Since the petitioner was no longer in service on 1 st July 2013, he was denied the relief. Challenging the order passed by the Tribunal, the present writ petition is filed.

5.The petitioner retired as Additional Director General, Chennai on 30.06.2013 on attaining the age of superannuation. After the Sixth Pay Commission, the Central Government fixed 1st July as the date of increment for all employees by amending Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008. In view of the said amendment, the petitioner was denied the last increment, though he completed a full one year in service, ie., from 01.07.2012 to 30.06.2013. Hence, the petitioner filed the original application in O.A.No.310/00917/2015 before the Central Administrative Tribunal, Madras Bench, and the same was rejected on the ground that an incumbent is only entitled to increment on 1 st July if he continued in service on that day.

6.In the case on hand, the petitioner got retired on 30.06.2013. As per the Central Civil Services (Revised Pay) Rules, 2008, the increment has to be given only on 01.07.2013, but he had been superannuated on 30.06.2013 itself. The judgment referred to by the petitioner in State of Tamil Nadu, rep.by its Secretary to Government, Finance Department and others Vs. M.Balasubramaniam, reported in CDJ 2012 MHC 6525, was passed under similar circumstances on 20.09.2012, wherein this Court confirmed the order passed in W.P.No.8440 of 2011 allowing the writ petition

filed by the employee, by observing that the employee had completed one full year of service from 01.04.2002 to 31.03.2003, which entitled him to the benefit of increment which accrued to him during that period.

7. The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls

on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent-Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs.

(SLP filed against this Judgement was dismissed by the Supreme Court)

AADHAAR Procedure for updating date of birth, Name and gender in Aadhaar card more than once

*Gol Ministry of Electronics and I.T, Unique Authority of India, UIDAI, New Delhi,
OM No. F.No.4(4)/57/159/2016-E&U*

Updating of Name, Gender and Date of Birth

The Aadhaar (Enrolment and update) (Sixth amendment) Regulations, 2018 provides that the date of birth of resident can be changed only once. In case the date of birth is to be updated more than once, it can be done through an exception handling process which may require the resident to visit Regional Office(RO) of the UIDAI. Similar decision has been taken for name and gender which can be updated twice and once respectively.

2. Further to this, it has been decided that one time change in date of birth shall only be allowed plus/minus one year of existing age in Aadhaar else the update shall be rejected.

3. However, for genuine cases of update of name/date of birth and gender more than the

threshold, an exception process shall be followed as follows.

- (a) Resident may approach Regional Offices with relevant details of update along with necessary proof documents
- (b) RO shall do the due diligence and ascertain whether the update request is genuine. RO may seek additional information from resident or carry field investigation as required
- (c) In case RO ascertain the request to be genuine, case shall be sent to Tech Centre for processing/ reprocessing the request

4. This has approval of competent authority.

(Ashok Kumar, Asst. Director General)

Attention of Postal Pensioners

Pension Payment Centralised at the O/o the General Manager (Postal Accounts and Finance), Bangalore

Consequent on introduction of new core system integration software in the Department of Posts, the pension payments are centrally uploaded to the POSB accounts of the pensioners through Bangalore GPO. The system is introduced wef 1-10-2018. However, the concerned HPO where the PPO is held should upload Addition / Deletion / Correction and enhancement of pension / arrears etc, in the module provided to them. The office of the G M (PA&F) will run the data and send the list to Bangalore GPO for crediting the amount to the pensioners account through 'Finacle'.

HOMAGE

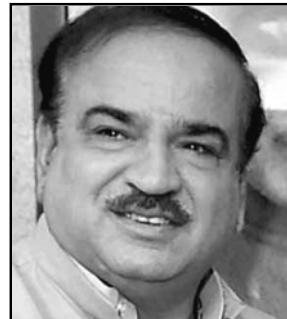
Sri H N Ananth Kumar, Central Minister and Member of Parliament, Bangalore South Lok Sabha Constituency, passed away on 12-11-2018 at the age of 59 years.

Sri Anantha Kumar won the elections from the Bangalore South constituency for 6 times in a row and was a very popular political leader of Karnataka. Born on 22nd July 1959 in a village in Bangalore District, he was an Alma matter of Karnataka University and held degrees in Arts and Law.

As a Minister in the Central Cabinet, he was known for his parliamentary skills and as an able administrator. Known for his political sagacity, he was one of the prominent leaders of the Bharatiya Janata Party at the National level and was always in the limelight. His contribution for the development of the State of Karnataka especially improvement of infrastructure in Bengaluru city is note worthy.

He leaves behind his wife Smt. Tejashwini, Chairperson of 'Adamyia Chetana' a voluntary organisation working in the field of social development and 2 daughters.

Karnataka P&T Pensioners' Association conveys its heartfelt condolences to the bereaved family.



Gol, Ministry of Health and Family Welfare, Department of Health & Family Welfare, Directorate General of CGHS O M No.: Misc. 1201 412005/CG HS(R&H) Dated the 9th July, 2018

Permission /Approval for reimbursement of cost of Neuro-implants, viz., Deep Brain Stimulation implants, Intra'thecal Baclofen Pump, Intra-theal Morphine Pump and Spinal Cord stimulators for CGHS/CS(MA) beneficiaries

With reference to the above subject the undersigned is directed to draw attention to the Office Memoranda of even Number dated 2310612006 and 411212008 and OM No.S.3849/09/CGHS(R&H)-CGHS(P) dated 8.12.2014 vide which the rates and guidelines for Permission /Approval for reimbursement of cost of Neuro-implants, viz., Deep Brain Stimulation implants, Intrathecal Baclofen Pump, Intra-theal Morphine Pump and Spinal Cord stimulators for CGHS/CS(MA) beneficiaries were notified and to convey the approval of competent authority to allow reimbursement of cost of the above mentioned neuro-implants under CGHS/CS(MA) Rules at the same ceiling rates and guidelines and conditions till the rates for the above mentioned implants are notified by National Pharmaceutical Pricing Authority (NPPA).

(Bin-du Tewari) Director (EHS)

Co-ordination Committee of Central Govt Pensioners' Associations, Karnataka will observe PENSIONERS DAY on 17th December 2018

At Udayabhanu Kalalsangha, K G Layout, Gavipuram Extension, Bangalore-560019

All Pensioners are requested to participate

Confirm your participation to Sri T V Suryaprakash, Joint Genl Secretary: 9448375138

Management Committee Meeting of CCCGPA will also be held on the date at the venue.

Our Members Write

I profusely thank you all for the wonderful reception, the affectionate treatment and amazing hospitality that we were so fortunate to be recipients of, when we visited the Pensioners' Bhavan in Bengaluru on 12th October 2018.

It had always been my long-cherished dream to visit the Pensioners' Bhavan, a standing monument and fitting tribute to the tireless and selfless efforts of all our members, under your very able stewardship. I was constrained to miss the inaugural function on 09th September 2018, due to a happy occasion in our family.

Nevertheless, our trip to Bengaluru followed soon. I had expressed my ardent desire of visiting the Pensioners' Bhavan, which was fit into our tight itinerary. None of us had expected, nor were we prepared for the proceedings at the Bhavan. We were truly humbled by the love and affection showered upon us, memories of which will stay fresh in our minds for all times to come.

My sons were overwhelmed when you honoured me and my wife and I truly ask myself whether we deserved to be treated in such a great manner. Words fail me when I try to express my heartfelt gratitude for everything that you and your team did for us in the two hours that we were there – right from the time we arrived, till the time we were on our way to Hassan.

I am also grateful for the special gesture shown by the Pensioners' Association for advancing the monthly meeting by a day (I understand the meetings are held on the second Saturday of every month) and holding it on Friday to suit our convenience. I deeply appreciate the good attendance at the meeting by the members at very short notice, thus demonstrating their regard for me and my family – I am truly humbled by their gesture.

There are three temples in my heart – first my Family Deity (Yoganarasimha at Mudhigere, Hassan); second is my Bread-Giver (India Meteorological Dept Pune) and the third being this esteemed Pensioners' Association (KPTPA), for the abundant love and precious wishes.

Kindly convey my gratitude to one and all present on the occasion.

Attavar Yoganand, ALM 644

ಪೆನ್ಷನರ್ಸ್ ಛಾಂಪಿಯನ್ ಪತ್ರಿಕೆಯಲ್ಲಿ ಪ್ರಕಟಗೊಳ್ಳುತ್ತಿರುವ ವಿಚಾರಗಳು ಉಪಯುಕ್ತವಾಗಿವೆ. ಕೆಲವು ಅದೇಶಗಳು ಸಂಗ್ರಹ ಯೋಗ್ಯವೂ ಆಗಿವೆ. ಸೇವೆಯಲ್ಲಿದ್ದಾಗ ಸತತ 40 ವರ್ಷಗಳು ಕಾರ್ಮಿಕ ಸಂಘದ ಸದಸ್ಯನಾಗಿದ್ದು, ನಿವೃತ್ತಿ ನಂತರ ನಮ್ಮ ಸಂಘದ ಸದಸ್ಯನಾಗಿರುವುದು ನನಗೆ ಹೆಮ್ಮೆಯ ವಿಷಯ. ತಾವು ಶ್ರಮ ವಹಿಸಿ 2017 ವಾರ್ಷಿಕ ಸಭೆಯಲ್ಲಿ ತೆಗೆದ ನನ್ನ ಭಾವಚಿತ್ರವನ್ನು ಕಳುಹಿಸಿದುದಕ್ಕೆ ವಂದನೆಗಳು

ಎಸ್.ಎನ್. ಕೃಷ್ಣಮೂರ್ತಿ, LM 847

Donation for Educational purposes
H R Satyanarayana LM 2367 Rs.5000

BSNL IDA
From 1-10-2018 : 135.6% (7.6% increase over April 2018 rate of 128%)

ALL INDIA CONSUMER PRICE INDEX					
Month	CPI Base 2001=100	12 Months' Total	Monthly Ave.	% increase over 261.42	% increase over 115.76
				7th CPC	6th CPC
July 18	301	3462	288.5	10.35	149.22
Sept 18	301	3494	291.17	11.38	151.53

7th CPC: DA/DR w.e.f. July 2018: 9%
(2% increase over Jan-2018 rate of 7%)

PENSIONERS' CHAMPION

12

NOVEMBER 2018

**CAT
Order**

Grant of grade pay of Rs.4,600 instead of Rs.4,200 to Pre- 2006 pensioners retired from Grade S-12

Central Administrative Tribunal (CAT) Bangalore Bench orders grant of minimum pension of Rs.9230 wef 1-1-2006 to pre-2006 pensioner retired from grade S-12 in the pay scale of Rs. 2000-60-2300-75-3200 (IV CPC)

[Corresponding pay scales: V CPC: Rs.6500-200-10500, VI CPC: PB-2 Rs.9300-34800 + Grade Pay of Rs.4200]

OA NO.170/00731/2017

19th JUNE, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)
HON'BLE SHRI PRASANNA KUMAR
PRADHAN, MEMBER (A)

Applicant: T.Jayaraman, retired as Chief Telephone Supervisor, Central Telephone Exchange, Bengaluru-560 001 (By Advocate Sri A.R.Holla)

Respondents: (1). Union of India By Secretary Ministry of Personnel, Public Grievances and Pensions Department of Pensions and Pensioners' Welfare Lok Nayak Bhavan New Delhi: 110 003(2). The Secretary Ministry of Communications Department of Telecommunications & IT Sanchar Bhavan, No.20, Ashoka Road New Delhi-110 001(3). The Controller of Communication Accounts Department of Communications 1st Floor, Amenity Block Palace Road, Bengaluru-01.

Extract of a few paras

2. According to the applicant who is 79 years old, he worked as Chief Telephone Supervisor at the time of his retirement on 31.01.1995. He was in the pay scale of Rs.2000-60-2300-75-3200 and the same was revised to Rs.6500-200-10500 w.e.f. 01.01.1996 following the 5th Pay Commission. Following the 6th Pay Commission recommendation, the revised pension structure came into effect from 01.01.2006. The recommendations of the 6th Central Pay Commission were accepted with the modification that fixation of pension shall be based on a multiplication factor of 1.86 i.e. basic pension + dearness allowance (whichever is applicable) + dearness relief of 24% as on 01.01.2006 instead of 1.74(Annexure-A1). Subsequently, vide OM dtd.01.09.2008, it was

stipulated that the fixation of pension will be subject to the provision that the revised pension, in no case, shall be lower than 50% of the minimum of the pay in the pay band plus grade pay corresponding to the pre-revised pay scale from which the applicant had retired(Annexure-A2). Vide OM dtd.13.11.2009, 3 pre-revised scales of Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500 were merged and the grade pay of Rs.4600 which corresponds to the pre-revised scale of Rs.7450-11500 was granted to those employees who were in the pay scale of Rs.6500-10500(Annexure-A3). Since the applicant was drawing his pension in the scale of Rs.6500-10500, he became entitled to the grade pay of Rs.4600 in terms of the said OM. As the applicant was not allowed the benefit of the grade pay of Rs.4600 for the purpose of fixation of his pension, he approached this Tribunal along with the similarly situated pensioner in OA.No.134&135/2013. This Tribunal vide order dtd.13.03.2014 allowed in terms of order passed in OA.231&253/2012. In those OAs, the Tribunal vide order dtd.08.03.2013 allowed the prayer of the applicants therein directing the respondents to re-fix the pension of the applicant and others considering the grade pay of Rs.4600 w.e.f.01.01.2006(Annexure-A5). The said order of the Tribunal was challenged by the respondents before the Hon'ble High Court of Karnataka in WP.No.49080-82/2013 and WP.No.55222-55223/2013. Both the WPs were dismissed by the Hon'ble High Court of Karnataka vide order dtd.06.03.2014(Annexure-A6). Again the respondents have approached the Hon'ble Apex Court challenging the above

order in SLP(C) No.36148- 36150/2013 and connected matters. The SLP was dismissed by the Hon'ble Supreme Court vide order dtd.17.03.2015(Annexure-A7). Therefore, the order of the Tribunal had attained finality. Since the respondents did not implement the order, the applicant submitted a representation to the respondent No.3 on 23.02.2016 with a request to re-fix his pension in accordance with the order passed by the Tribunal (Annexure-A8). In reply to the same, the respondent No.3 issued an order dtd.24.03.2016 declining to extend the benefit of the grade pay of Rs.4600 to the applicant and fix his revised pension accordingly (Annexure-A9). Aggrieved by the same, the applicant has approached this Tribunal seeking the relief as prayed for

4. The respondents further submitted that in terms of the order of the Tribunal as well as the Principal Bench of the Tribunal in OA.No.655/2010, normal replacement for pre-revised scale of Rs.6500-10500 in PB 2 + GP of Rs.4200 was notified by the Ministry and the Grade Pay of Rs.4200 in respect of prerevised scale of Rs.6500-10500 was upgraded to Rs.4600 much later in 2009 As such the pension of employees who retired before 1.1.2006 from the pay scale of Rs.6500-10500 would need to be only on the grade pay of Rs.4200. Based on the above, the impugned order dtd.24.03.2016 was issued. However, as per the direction issued by the Tribunal in CP. Nos.231/2015 & 21/2016 filed by some of the applicants, a speaking order was issued duly considering the grant of grade pay of Rs.4600. The applicant in the instant OA has also been issued with a speaking order dtd.13.12.2017 fixing his pension duly considering the grade pay of Rs.4600 as was done in the case of applicants in CPs

5. According to the respondents, the minimum pay in pay band corresponding to pre-revised pay scale of Rs.6500-10500 in the fitment table is Rs.12090. As per para 4.2 of OM dtd.1.9.2008(Annexure-R4) read with OM dtd.28.1.2013 & 30.7.2015, sum of 50% of

minimum of pay in the pay band corresponding to pre-revised scale of Rs.6500-10500 and grade pay of Rs.4600 amounts to Rs.8345 (i.e. 50% of 12090+4600)(Annexure-R5 & R6 respectively). In terms of the pension calculation sheet produced at Annexure-R7 the pension of the applicant who was drawing pre-revised pension at the rate of Rs.3860 as on 1.1.2006 amounts to Rs.8724 as per para 4 of OM dtd.29.8.2008 read with OM dtd.28.1.2013 & 30.7.2015 subject to minimum of Rs.8345 after duly considering the grade pay of Rs.4600.

12.The respondents' contention that as per Annexure-R7 the applicant's pension is fixed at Rs.8724 which is higher than the pension arrived at by taking into 9 OA.No.170/00731/2017/CAT/Bangalore Bench account the grade pay of either Rs.4200 or Rs.4600 also does not appear to be correct. The OM dtd.13.11.2009 had clearly stipulated that the posts which were in the pre-revised pay scale of Rs.6500-10500 as on 1.1.2006 and which were granted the normal replacement pay structure of grade pay of Rs.4200 will be granted grade pay of Rs.4600 corresponding to the pre-revised scale of Rs.7450-11500 with effect from 01.01.2006. This makes it evidently clear that the applicants were to be considered against the pay scale of Rs.7450-11500 with grade pay of Rs.4600. The revised pay and pension has to be calculated on that basis and that comes to Rs.9230. The manner of computing the pension by the respondents at Annexure-R7 is therefore completely wrong and bereft of any logic. Therefore, while holding that the revised calculation at Annexure-R7 made by the respondents is completely erroneous and unjustified, we direct the respondents to grant the revised pension of Rs.9230/- to the applicant w.e.f. 01.01.2006 along with consequential benefits within a period of one(1) month from the date of receipt of copy of this order.

(P.K.PRADHAN) Member (A)
(DR.K.B.SURESH) Member (J)

Grant of grade pay of Rs.4,600 instead of Rs.4,200 to Pre- 2006 pensioners retired from Pay Scale Rs.6,500 -200-10,500 (Grade S-12)

(Reference: Matter on the subject published in page 13 of October issue of the journal)

STATUS : Ministry of Finance, Department of Expenditure has informed BPS in reply to an application under RTI that the matter is still under consideration

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