

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

O.A. NO. 2260 OF 2017

IN THE MATTER OF:

1. All India Retired Bharat Sanchar Nigam
Limited Executives' Welfare Association
Through its General Secretary
Sh. Kishan Singh
S/o Sh. Tej Singh
Aged about 70 years,
Designation: Retired ADG
Group: A
Department: BSNL
Nature of grievance: Non-payment of arrears of pension and
pensionary benefits
Central Headquarters
C-8/230, Yamuna Vihar
New Delhi-110053

2. Rakesh Srivastava
S/o Sh Khilafat Rai Srivastava
Aged about 70 years
Designation: EX ADG
Circle: BSNL CO
Group:A
Department: BSNL
Nature of grievance: Non-payment of arrears of pension and
pensionary benefits
R/o Flat No T-10/1605, RPSSavana,
Sector 88 Faridabad 121002

3. Amit Kumar Gupta
S/o Lt Jyotilal Gupta
aged about 66 years
Designation EX DGM
Circle:CTD
Group:A
Department: BSNL
Nature of grievance: Non-payment of arrears of pension and
pensionary benefits

R/o 1/4 Rajendra Banerjee Road,
Behala , Kolkata 700034

4. Adish Kumar Jain
S/o Lt Sh S C Jain
Aged about 68 years
Designation EX AGM
Circle BSNL CO
Group:A
Department: BSNL
Nature of grievance: Non-payment of arrears of pension and pensionery benefits
R/o Flat No 2B, Sancharlok Aptts. 108,
I P Extension, Delhi 110092

Applicants 5 to 1197.....

- 1198.I V Gopalan
S/O Koran K V
Aged about 67 years
Designation SDE
Circle STSR
Group:B
Department: BSNL
Nature of grievance: Non-payment of arrears of pension and pensionery benefits
R/o 'ILLAT VALAPPIL' near Odayammadam Rly
Gate.Chelukunnu PO, Kannur 670301

- 1199.K Premarajan
S/O C M Achuthan
Aged about 66 years
Designation SDE
Circle Kerala
Group:B
Department: BSNL
Nature of grievance: Non-payment of arrears of pension and pensionery benefits
R/o SREERAGM, Thattiyode, PO Koodali
Kannur 670592

...Applicants

Versus

1. Union of India
Ministry of Telecommunication

Through its Secretary (Telecom)
Department of Telecom,
2nd floor, Sanchar Bhawan,
20, Ashoka Road, New Delhi-110001.

2. Bharat Sanchar Nigam Limited
Through its Chairman-cum-Managing Director
Bharat Sanchar Bhawan, 3rd floor
H.C. Mathur Lane, Janpath
New Delhi. ...Respondents

**AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1987**

TO
THE HON'BLE CHAIRMAN AND HIS COMPANION
HON'BLE MEMBERS OF THE HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL, NEW DELHI

THE HUMBLE APPLICATION OF THE
APPLICANTS ABOVENAMED

MOST RESPECTFULLY SHOWETH:

**1(A). PARTICULARS OF THE ORDER AGAINST WHICH THIS
APPLICATION IS MADE?**

The Applicant-Association and others are challenging only part of Office Memorandum No.40-13/2013-Pen(T) dated 18.7.2016 issued by Department of Telecommunication consequent thereto Circular No.40-06/2011/Pen(B)(Pt.) dated 26.7.2016 issued by Respondent No.2 stating that the amount so arrived after revision will be regarded as consolidated

pension/family pension with effect from 10.6.2013 consequent thereto there will be no payment of pension arrears from 01.01.2007 to 9.6.2013, no increase in gratuity amount and leave encashment amount. The said orders passed by the Respondents are discriminatory, unjustified and treating equals to unequals specially when all pensioners form homogeneous class and cannot be discriminated on the basis of their date of retirement. Thus, the said orders are in violation of fundamental rights guaranteed under Articles 14 and 16 of the Constitution besides settled law laid down by the Hon'ble Supreme Court in catena of decisions. The said order No.40-13/2013-Pen(T) dated 18.7.2016 passed by Respondent No.1 and also the order No.40-06/2011-Pen(B)(Pt) dated 26.7.2016 issued by Respondent No.2 are impugned in the present application and annexed collectively as **ANNEXURE A-1 (Colly)**.

(b) **PASSED BY** : Respondents

(c) **PASSED ON** : 18.7.2016

(d) **SUBJECT IN RELIEF:**

To set aside that part of orders dated 18.7.2016 and 26.7.2016 denying all pensioners/family pensioners retired before 10.6.2013 pension arrears and other pensionary benefits like

increased DCRG and leave encashment with effect from 01.01.2007 to 9.6.2013.

2. **JURISDICTION:**

The Applicants declare that this Hon'ble Tribunal has jurisdiction to adjudicate the dispute arise between the Applicants and the Respondents.

3. **LIMITATION:**

The present application being filed is very much within the time prescribed under Section 21 of the Central Administrative Tribunal Act.

4. **FACTS OF THE CASE:**

4.1. That the Applicant No.1 is All India Retired Bharat Sanchar Nigam Limited Executives' Welfare Association. Its central headquarters is in Delhi. This Association is duly registered under the Societies Registration Act. Its registration number is S/00108/NE/2011. Sh. Kishan Singh is its General Secretary who is duly authorised by the Association to file present application along with other Applicants before the Central Administrative Tribunal.

- 4.2. That all the members of the Applicant-Association and other applicants are retired employees from BSNL or family pensioner of BSNL Employees.
- 4.3. That initially all the members of the Applicant No.1 Association and other applicants employed in the Department of Telecommunication in various services. After constitution of Bharat Sanchar Nigam Limited (BSNL), a Government of India undertaking constituted under the Companies Act, all the members of the Applicant-Association and other applicants were Ex. Employees of DOT/DTS absorbed in BSNL on 01.10.2000 when it came into existence.
- 4.4. That at the time of absorption in BSNL the Applicants were assured that their pension and pensionary benefits would be paid by the Department of Telecommunication/Govt. of India under section 37A of CCS Pension Rules, 1972.
- 4.5. That the members of the Applicant-Association and other applicants after absorption in BSNL were given IDA pay scales and Dearness Allowance as admissible from time to time.

- 4.6. That the Government of India, Ministry of Finance, Department of Expenditure, New Delhi granted 50% CDA merger (Central Dearness Allowance merger) to all Central Government employees with effect from 01.1.2004 on the recommendations of Vth Pay Commission which had opined that whenever CDA exceeded 50% of the basic pay 50% of the CDA should be merged with the basic pay as DA pay and residual DA will be paid on both basic pay plus DA.
- 4.7. That based on the said analogy when IDA increased to 68.8% on 01.1.2007 for Central Public Sector Enterprises' Employees including BSNL, 50% IDA merger was granted by the Government of India to the Central Public Sector Enterprises employees with effect from 01.1.2007 vide its Memorandum No.2(7)/2005/DPE (WC)GL3 dated 26.2.2008. A true and correct copy of the said Office Memorandum is annexed with this application and marked as **ANNEXURE A-2**.
- 4.8. That pursuant thereto 50% of IDA was merged with basic pay as Dearness Pay with effect from 01.1.2007 and residual Dearness Allowance of 18.8% was to be paid on both basic IDA plus Dearness Pay. This was approved by

DOT for the employees of BSNL vide its OM No.79-38/2006/SU dated 01.5.2008. A true and correct copy of the OM No.79-38/2006/SU dated 01.5.2008 is annexed with this application and marked as **ANNEXURE A-3.**

4.9. That BSNL further endorsed the order of DOT for its employees vide OM No.14-3/2008-PAT(BSNL) dated 29.5.2008. A true and correct copy of the OM No.14-3/2008-PAT(BSNL) dated 29.5.2008 is annexed with this application and marked as **ANNEXURE A-4.**

4.10. That after 50% IDA merger with effect from 01.1.2007 Central Public Sector Enterprises employees started drawing net emoluments basic pay plus DA of 18.8% on both basic pay and Dearness Pay. Virtually 50% IDA merged had turned into 78.2% benefit on Basic Pay and Pension as relief to the Central Public Sector Enterprises Employees with effect from 01.1.2007.

4.11. That 2nd Pay Review Committee (2nd PRC) submitted its recommendations of Central Public Sectors Enterprises in 2008 for implementation of revision from 1.1.2007. In the Report PRC had overlooked the fact that due to merger of 50% IDA into dearness pay, the actual IDA had become

78.8% of the basic as on 1.1.2007 but recommended merger of 68.8% IDA for arriving the new basic with zero DA from 1.1.2007. Accordingly DPE issued OM No.2(70)/08-DPE(WC) dated 26.11.2008 for revision of IDA pay scales of CPSE Executives. Accordingly DOT also had approved the pay revision of BSNL Executive on 27.2.2009 which was followed by BSNL order dated 5.3.2009. True and correct copy of the order dated 27.2.2009 issued by DOT and order dated 5.3.2009 issued by BSNL are annexed as **ANNEXURE A-5. (Colly)**

4.12. That after issuance of BSNL order dated 5.3.2009 the pay revision process of BSNL Executives were taken up and completed by merging 68.8% IDA from 1.1.2007.

4.13. That all Executives of BSNL got the benefits of 68.8% IDA merger and were paid arrears also. Accordingly pay of the pensioners retired between 01.1.2007 and 27.2.2009 was also revised by merging 68.8% IDA with effect from 01.1.2007. Their pension was also revised accordingly with the revised last pay drawn and their arrears were also paid with effect from 01.1.2007 to their dates of retirement. The pensionery benefits like gratuity and leave encashment were

also calculated considering the revised pension and arrears were also duly paid.

4.14. That similarly non-executives of BSNL by negotiation with the Respondents also received similar benefits as of the Executives.

4.15. That the pensioner who retired between 01.10.2000 and 31.12.2006 were also extended the benefits of similar 68.8% IDA merged with 30% fixation vide DOT order No.40-17/2008-Pen(T)-Vol III dated 15.3.2011. Their pension was accordingly revised with effect from 01.1.2007 and were paid arrears as is clear from the annexure marked as **ANNEXURE A-6.**

4.16. That serious objections on merger of 68.8% IDA instead of 78.2% IDA which already had been allowed, were raised by Oil Sector Executives, so Govt. of India reviewed the objections and issued correct order dated 2.4.2009 allowing 50% IDA merger effectively amounting to 78.2% merger from 1.1.2007. In para 3 of the said OM it was stated as follows:-

“Government has also decided that benefits under this O.M. read with the earlier decision as conveyed vide OM dated 26.11.2008 and 9.2.2009 has to be viewed

as a total package. It has also been decided that the pay revision package as communicated by earlier OMs along with the above modifications would be applicable to all the CPSEs.”

A true and correct copy of the OM dated 2.4.2009 issued by Govt. of India is annexed as **ANNEXURE A-7.**

4.17. That in spite of Govt. order dated 2.4.2009 DOT/BSNL have continued to implement the pay revision by merging 68.8% IDA as per earlier orders dated 27.2.2009 and revised pay/pension of Executives, non-Executives and pensioners retired prior to 1.1.2007.

4.18. That since all sections of employees of BSNL and pensioners started demanding benefits of 78.2% IDA merger in place of 68.8% IDA merger from 01.1.2007 as granted by Govt. of India vide DPE O.M. dated 2.4.2009. Finally on 10.6.2013 DOT issued its order No.61-01/2012/SU dated 10.6.2013 directing that the fixation of pay by merging 78.2% IDA would be given with effect from 01.1.2007 but no arrears would be paid. A true and correct copy of the OM dated 10.6.2013 is annexed as **ANNEXURE A-8.**

4.19. That accordingly BSNL also issued two orders vide No.1-50/2008-PAT(BSNL) dated 10.6.2013 for Executives and

another order No.1-16/2010-PAT(BSNL) dated 10.6.2013 for non-executives. As per all these orders fixation of pay by merging 78.2% IDA was to be done from 01.1.2007 on notional basis. But actual payment would be made from 10.6.2013 and no arrears would be paid. True and correct copies of the orders dated 10.6.2013 issued by BSNL are annexed collectively with this application and marked as **ANNEXURE A-9 (Colly)**.

4.20. That as per the said orders dated 10.6.2013 fixation of pay was done for all serving employees as on 10.6.2013 notionally from 01.1.2007. But actually from 10.6.2013 they were paid revised salary. But were not paid arrears for the period prior to 10.6.2013.

4.21. That the pensioners who retired before 10.6.2013 continued to get their pension and pensionery benefits as per 68.8% IDA merged last pay but the pensioners who retired after 10.6.2013 were given pension and pensionery benefits as per 78.2% IDA merged last pay. Thus the respondents created another class amongst similarly placed pensioners on the basis of cut off dated i.e. 10.6.2013.

4.22. That the pensioners retired prior to 10.6.2013 submitted representations to the Govt. of India for creating anomaly and discrimination amongst the similarly placed pensioners who retired prior to 10.6.2013 are deprived of benefit of merger of 50% IDA with basic Pay amounting to 78.2% but the pensioners retired after 10.6.2013 are given benefit of merger amounting to 78.2%.

4.23. That on various representations and objections raised by pre 2013 retirees the Govt. of India issued order No.40-13/2013-Pen(T) dated 18.7.2016 stating in paras 4 and 5 as follows:-

"4. The issue regarding revision of pension/family pension of BSNL IDA pensioners/family Pensioners, who retired prior to 10.6.2013 has been considered by the Govt. and the following has been decided:

- (a) The pension/family pension of BSNL IDA pensioners/family pensioners, who retired prior to 1.1.2007, may be revised as on 1.1.2007 notionally with actual benefit w.e.f. 10.6.2013 by adding together
- (i) Existing basic pension/family pension including commuted portion of pension, if any
 - (ii) Dearness relief (IDA) @ 78.2%
 - (iii) Fitment weightage @ 30% of the existing pension/family pension and dearness relief (IDA) thereon.

The amount so arrived will be regarded as consolidated pension/family pension with effect from 10.6.2013.

(b) The pension/family pension of BSNL IDA pensioners/family pensioners, who retired between 1.1.2007 and 9.6.2013, their pay may be revised notionally with effect from 1.1.2007 by allowing the benefit of merger of 50% DA/DR with basic pay/pension effectively amounting to 78.2% IDA for the purpose of fitment, and consequential revision of pension on notional pay with actual benefit w.e.f. 10.6.2013, at par with the serving employees of BSNL. However, these pensioners do not get actual benefit of increase in pay/pension during the period between 1.1.2007 to 9.6.2013, and they would not get increase in the amount of DCRG, leave encashment and commutation of pension on this account.

5. The other conditions with regard to commuted portion of pension, minimum pension and increase in the quantum of pension/family pension to the old pensioners/family pensioners, as mentioned in this office O.M. No.40-17/2008-Pen(T) Vol.III dated 15.3.2011 shall remain the same.”

4.24. That in para 4(a) it is clearly mentioned that the amount so arrived will be regarded as consolidated pension/family pension w.e.f. 10.6.2013 and in para 4(b) it is stated that these pensioners do not get actual benefits of increase in

pay/pension during the period between 1.1.2007 to 9.6.2013, and they would not get increase in the amount of DCRG, leave encashment and commutation of pension on this account.

4.25. That consequent to the order dated 18.7.2016 issued by Department of Telecommunication, BSNL also issued Circular No.40-06/2011/Pen(B) (Pt) dated 26.7.2016 on similar lives.

4.26. That according to the said order the pensioners retired prior to 1.1.2007 (Pre 2007 retirees), their pension is revised by merging 78.2% IDA as on 1.1.2007 but payment would be made w.e.f. 10.6.2013. These pensioners got full benefit of 68.8% IDA merger with arrear earlier but denied arrears for 78.2% IDA merger although both orders were to be viewed as single package as per Govt. of India instructions under DPE dated 2.4.2009. Thus they are deprived revised pension arrears with DA from 1.1.2007 to 9.6.2013.

4.27. That the pensioners retired between 1.1.2007 to 10.6.2013 (Post 2007 pensioners), their pay to be re-fixed notionally from 1.1.2007 to their date of retirement and consequent revised pension to be paid from 10.6.2013 at par with the

serving employees of BSNL. They would not get the increased amount of DCRG, leave encashment etc. Thus they are deprived pension arrears with DA from date of retirement to 9.6.2013, increased DCRG, increased Leave encashment. They are also not getting their arrears of increased pay from 1.1.2007 to date of retirement.

4.28. That the applicants submit that by not giving benefit of merger of 50% DA/DR with basic pay amounting to 78.2% w.e.f. 1.1.2007 a class of pensioners retired prior to 10.6.2013 is created with similarly situated persons retired after 10.6.2013 as retirees after 10.6.2013 will be getting entire benefit including full pension on 78.2% IDA Merged pay alongwith DCRG, commutation and leave encashment etc. pay but retirees prior to 10.6.2013 will be deprived of not only part of pension arrears but also consequent increase in amount of DCRG, leave encashment and other benefits.

4.29. That the said action of the respondents is contrary to law declared by the Hon'ble Supreme Court in catena of decisions.

4.30. That all the pensioners form homogenous class and there should not be any discrimination amongst the equals, the non grant of benefit of merger of 50% DA/DR with basic pension amounting to 78.2% w.e.f. 1.1.2007 and consequent increase in other retiral benefits is illegal arbitrary, discriminatory and is violative of fundamental rights guaranteed to the applicants under Article 14 of the Constitution.

4.31. That there cannot be any discrimination with regard to pension amongst the pensioners because they make a homogeneous class and there cannot be any disparity amongst them which is illegal, unjustified.

4.32. That all the members of the Applicant-Association and other applicants are retirees and pensioners fall in same category but denied and deprived of their legitimate rights of getting arrears of pension and consequent increase from 1.1.2007 is violative of fundamental rights guaranteed under equality provisions of Article 14.

4.33. That the Hon'ble Supreme Court in the matter of State of Jharkhand & Ors. Vs. Jitendra Kumar Srivastava & Anr. reported in 2013(12) SCC page 210 held that right to

receive pension is recognised as right in property. It is further held as follows:-

“14. Article 300 A of the Constitution of India reads as under:-

300A Persons not to be deprived of property save by authority of law.- No person shall be deprived of his property save by authority of law.

Once we proceed on that premise, the answer to the question posed by us in the beginning of this judgment becomes too obvious. A person cannot be deprived of this pension without the authority of law, which is the Constitutional mandate enshrined in Article 300 A of the Constitution. It follows that attempt of the appellant to take away a part of pension or gratuity or even leave encashment without any statutory provision and under the umbrage of administrative instruction cannot be countenanced.”

4.34. That the case of the Applicants is fully covered by the judgment of the Hon'ble Supreme Court in which law is settled by the Constitution Bench clearly held that there should not be any discrimination amongst the pensioners. All the pensioners have equal rights form homogeneous class.

4.35. That the Executive instructions withholding of arrears of pension do not have statutory character and cannot be

termed as 'Law" within the meaning of Article 300A. On the basis of such circular the respondents cannot withhold arrears of pension or gratuity as the said Orders had no force of law.

4.36. That the Constitution Bench of Hon'ble Supreme Court in D.S. Nakara & Ors. Vs. Union of India reported in 1983(1) SCC at page 305 held as follows:-

"...When the State considered it necessary to liberalise the pension scheme in order to augment social security in old age to government servants it could not grant the benefits of liberalisation only to those who retired subsequent to the specified date and deny the same to those who had retired prior to that date. The division which classified the pensioners into two classes on the basis of the specified date was devoid of any rational principle and was both, arbitrary and unprincipled being unrelated to the object sought to be achieved by grant of liberalised pension and the guarantee of equal treatment contained in Article 14 was violated inasmuch as the pension rules which were statutory in character meted out differential and discriminatory treatment to equals in the matter of computation of pension from the dates specified in the impugned memoranda."

4.37. That being aggrieved and dissatisfied with the action of the respondents in withholding arrears of pension was illegal, unjustified, arbitrary, discriminatory thus is violative of fundamental rights guaranteed to the applicants under Articles 14 and 19 of the Constitution the Applicant-Association through its General Secretary represented to the respondents against illegally withholding of arrears of pension and consequent denial of retiral benefits w.e.f. 1.1.2007 the said representation was duly received in the office on 21.11.2016. Photostat copy of representation submitted by applicant is annexed as **ANNEXURE A-10**.

4.38. That inspite of receiving the representation the respondents till date had paid no heed, neither replied the representation nor took any action.

4.39. That some of the members submitted representation to the respondents. The same are annexed as **ANNEXURE A-11**. But respondent have taken no action.

4.40. That the applicants are left with no other alternative remedy except to approach this Hon'ble Court by way of present application.

5. That being aggrieved and dissatisfied with part of the order dated 18.7.2016 of the respondent the applicants are filing present application on the following amongst other:-

GROUND

- 5.1. Because the action of the respondents in denying and depriving the applicants their legitimate rights of arrears of pension and consequent increase in all retiral benefits is illegal unjustified, arbitrary, discriminatory and violates fundamental rights guaranteed to the applicants under Article 14 of the Constitution.
- 5.2. Because the respondents by executive order have created a separate class out of similarly situated pensioners and in this manner treated equals to unequals contrary to mandate of Equal protection provisions contemplated under Article 14 of the Constitution.
- 5.3. Because Constitution Bench of the Hon'ble Supreme court held that pension is not a bounty a gratuitous payment depending upon the sweet will or grace of the employer. Right to receive pension is a right in property and a person cannot be deprived of his pension without authority of law which is the mandate of the Constituted enshrined in article

300A of the Constitution, thus respondent cannot take away a part of pension or gratuity or even leave encashment without any statutory provisions under the administrated instructions.

- 5.4. Because discrimination has been created between those retired after 10.6.2013 and those retired prior to 10.6.2013. Those who retired after 10.6.2013 they got all benefits of 78.2% IDA merger for their pension and pensioner benefits. They are getting pension on the pay fixed by merging 78.2% IDA from next day of retirement also pensionary benefits like DCRG, Commutation, Leave Encashment are paid to them as per pay/pension fixed by merging 78.2% IDA. But those retired between 1.10.2000 to 9.6.2013, their pension is fixed notionally on their notional pay on date of retirement or from 1.1.2007 (for pre 2007 cases) but actually paid from a later date of 10.6.2013. All other pensioner benefits for post 2007 pensioners are paid on pay/pension fixed by merging 68.8% IDA.
- 5.5. Because by the said letter dated 18.7.2016 a class is created between pensioners retired prior to 10.6.2013 and those

retired after 10.6.2013 especially when all pensioner from a homogenous class.

5.6. Because if the person retiring is eligible for pension at the time of his retirement and if he survives till the time of subsequent amendment of the relevant pension scheme, he would become eligible to get enhanced pension or would become eligible to get more pension as per the new formula of computation of pension. He would be entitled to get the benefit of the amended pension provision from the date of such order as he would be a member of the very same class of pensioners when the additional benefit is being conferred on all of them. In such a situation, the additional benefit available to the same class of pensioners cannot be denied to him on the ground that he had retired prior to the date on which the aforesaid additional benefit was conferred.

5.7. Because the applicants pre-retirees of 10.6.2013 cannot be deprived of arrears of pension between 1.1.2007 to 9.6.2013 by giving benefit of 78.2% IDA and also consequent increase in other retiral benefits.

5.8. Because the applicants retired prior to 1.1.2007 cannot be denied and deprived of their arrears of pension from 1.1.2007 to 9.6.2013.

5.9. Because the said action of the respondents is illegal arbitrary and contrary to settled law laid down by the Hon'ble Supreme Court of India in catena of decisions.

6. **DETAILS OF THE REMEDY EXHAUSTED:**

That the applicants have no other statutory remedy available to him except to approach this Hon'ble Tribunal by way of filing the present application.

7. **MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT.**

That the applicants further declare that they had not previously filed any application, Writ Petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority, or any other bench of the Tribunal and nor any such application, Writ Petition or suit is pending before any of them.

8. **RELIEF SOUGHT:**

In the circumstances it is therefore, most respectfully prayed that Your Lordships may graciously be pleased to:-

- a. set aside that part the order No.40-13/2013-Pen(T) dated 18.7.2016 issued by Department of Telecommunication consequent thereto circular no.40-06/2011/Pen(B) (Pt.) dated 26.7.2016 issued by respondent no.2 denying pension arrears and other pensionary benefits like increased DCRG and leave encashment from 1.1.2007 to all pensioner retired before 10.6.2013;
- b. direct that all the pensioners/Family pensioners, who are pre-2007 retirees may be paid the arrears of pension withheld for the period from 1.01.2007 to 09.06.2013 vide impugned DOT's OM dated 18.07.2016;
- c. direct that all the pensioners/Family pensioners, who are post-2007 retirees may be paid their withheld pension arrears from their date of retirement to 09.06.2013 along with the payment of increased DCRG and leave encashment as are due to them consequent to 78.2% IDA merger with effect from 1.01.2007, which were withheld vide impugned DOT's OM dated 18.07.2016; and

d. Any other or further order/s which this Hon'ble Tribunal may deem fit and proper may also be passed.

9. **INTERIM RELIEF SOUGHT FOR:**

Not applicable

10. **NOT APPLICABLE**

11. **PARTICULARS OF THE POSTAL ORDERS ATTACHED:-**

- i. No. of postal order.
- ii. Post Office from where issued.
- iii. Date of issue of the postal order.

12. **LIST OF ENCLOSURES:-**

Mentioned in the index of paper book.