

**CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
61/35, COPERNICUS MARG, NEW DELHI-110001**

Order Sheet

Item no.: 3
O.A./3674/2024 (DELHI)
[PENSIONARY BENEFITS]
[SENIOR CITIZEN]
With
M.A./3465/2024
MA Joining Together
Court No.: 4

No of Adjourment:

Order Dated: 19/09/2024

**CENTRAL CIVIL PENSIONERS FORUM
Vs
PENSIONS AND PENSIONERS WELFARE**

For Applicant(s) Advocate : Mr. Vidya Sagar

For Respondent(s) Advocate : Mr. Gyanendra Singh

Order of The Tribunal

Learned counsel for the applicant has drawn attention to the relief sought in the OA, which reads as under:-

"(a) to strike down the expression "fifteen years" in Rule 10-A of the CCS (Pension) Rules, 1985 with a further direction to the Government to restore full pension as soon as the commuted value is recovered from pensioners, instead of prolonging recovery up to 15 years;

(b) as a result of (a) above, direct the Government to refund the excess amount already recovered from the pensioners, in those cases where commuted value stands recovered, by crediting the excess amount so recovered, to the bank accounts in which their pension is being credited, along with interest @ 9% p.a.,

(d) as a result of (a) and (b) above, full refund along with interest @ 9 p.a. may also be allowed in those cases where recovery has already been affected for 15 years, and full pension has now been restored. The refund amount may be directed to be credited to the bank accounts through which pensioners are getting pension; and/or

(e) pass any other order/direction etc. in the applicants' favour and against respondents;

f) allows costs of this application."

2. Learned counsel for the applicant further draws attention to the compilation of judgments on the subject matter. He made a special reference to the following case laws:-

(i) The Order dated 09.09.2024 in WP(C) No. 2199/2024 of the Hon'ble High Court of Jammu & Kashmir and Ladakh;

(ii) Order dated 08.08.2024 in WP(C) No. 22753 of 2024 of the Hon'ble High Court of Kerala at Ernakulam;

(iii) Order dated 29.08.2024 in OA No. 746/2024 of the Tribunal;

(iv) Order dated 24.07.2024 in OA No. 2307/2024 of the Armed Forces Tribunal.

3. Learned counsel for the applicant prays to strike down the expression "fifteen years" in Rule 10-A of the CCS (Pension) Rules, 1985 with a direction to restore the full pension as soon as the commuted value is recovered. In support of his contention, he refers to the judgment of Hon'ble High Court of Punjab and Haryana, wherein similar issue was raised and by giving the benefit of balance of convenience in favour of the applicant, the recovery of commuted value of pension has been stayed. The applicant in the present OA is seeking similar relief.

4. Learned counsel for the respondents vehemently opposes the grant of interim relief stating that since the rule of CCS (Pension) Rules is under challenge in the OA, it may be heard by a Division Bench. The same is agreed to.

5. Issue short notice.

6. Registry is directed to list the matter before an appropriate Division Bench.

7. List on 30.09.2024.

Dr. Anand S Khati
Member (A)

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