

2. The applicant being aggrieved by the fact that the Government was commencing the additional/enhanced pension only on completion of pensioner's 80th year across the board and has come before us in the present application claiming such benefit to be available to him on the commencement of the 80th year, i.e., after completion of 79th year and the first day of 80th year of his age. The prayer, as made out in the present application, reads as follows:

(a) Issue direction/orders to the Respondents to grant the applicant the enhanced pension @20% of revised basic pension w.e.f. 11 Nov 2022.

**(b) Award 12 % interest on the arrears of pension, as respondents failed to extend the benefit to the applicant despite order of this Hon'ble Tribunal.
And/or**

(c) Pass such further order(s)/direction(s) in favour of applicant as you deem fit and proper in the interest of Justice.

3. Learned counsel for the applicant contends that a similar proposition came up before the Hon'ble Guwahati Court interpreting Section 17-B of the High Court Judges (Salaries and Conditions of Service) Act, 1954 which is in ***para materia*** with the statute governing and regulating

the applicant's pension and as such the two statutes must be construed together and the benefit thereof be extended to him from the commencement of the 80th year of his life but the enhanced pension at the rate of 20% has been granted to him on his completing 80th year of age. It is contended that the High Court's decision has already attained finality and, therefore, the respondent authorities should make payment of additional/enhanced pension at the rate of 20% with effect from 11th November, 2022 being the first day of the 80th year of her life.

4. Learned counsel for the applicant further contended that the approach of the respondents' authority is biased, unconstitutional and contravenes the rules and interpretation governing the provisions of ***para materia*** statute.

5. It is thus, submitted that the applicant having satisfied and entered the age of 80 year is now entitled to 20% enhanced pension and non-grant thereof with effect from 11th November, 2022 is wholly illegal, arbitrary and calls for interference by this Tribunal. It is further

contended that the Hon'ble Tribunal in the matters of **Union of India and Ors. Vs. Virender Dutt Gyani in (Civil Appeal Diary No. 18133/2019)** decided on 08th July, 2019 and **Lt. Gen Gorakh Nath Vs. Union of India and Ors. (OA 704/2021)** decided on 13th October, 2022 has elaborately dealt with the questions involved in this OA and has decided the same in favour of the applicants therein.

6. We have heard learned counsel for the parties and have considered the rival submissions and in view of the fact that matters identical in nature have already been decided by this Tribunal in the cases of **Virender Dutt Gyani (Supra)** and **Lt. Gen Gorakh Nath (Supra)**.

We allow this OA and set aside the impugned order. The respondents are directed to pay to the applicant the additional/enhanced pension with additional quantum at the rate of 20% with all consequential benefits from the first day of 80th year of the applicant, i.e., 11th November, 2022 with arrears within a period of three months from the date of receipt of a copy of this

order failing which the applicant shall be entitled to interest at the rate of 6% on the amount due.

7. No order as to costs.

**[RAJENDRA MENON]
CHAIRPERSON**

**[C P MOHANTY]
MEMBER (A)**

/jyoti/