



2026:DHC:8738-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010449502026
+ **W.P.(C) 13808/2026, CM APPL. 64644/2026, CM APPL. 64645/2026, CM APPL. 64646/2026 & CM APPL. 64647/2026**

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr. Manish Kumar, SPC with
Mr. Rahul Kumar Sharma, GP and Mr.
Kumar Gaurav Adv.

versus

B N CHAWLA

.....Respondent

Through: Mr. Sudarshan Rajan and Mr.
Hitain Bajaj, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA

JUDGMENT (ORAL)

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30.09.2026

C. HARI SHANKAR, J.

1. This writ petition assails order dated 24 February 2025 passed by the Central Administrative Tribunal¹ in OA 1133/2019.

2. The respondent retired from the services of the Controller General of Accounts² as Senior Accountant on 30 September 1996. *Vide* order dated 15 July 2013, his pension was fixed at ₹ 16,307/- per

¹ "Tribunal" hereinafter

² "CGA" hereinafter



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month. Consequent on implementation of the recommendations of the Seventh Central Pay Commission, the pension of the respondent was enhanced to ₹ 42,586/- per month.

3. Subsequently, however, by Office Orders dated 31 August 2017 and 11 September 2017, the respondent's pension was reduced from ₹ 42,586/- to ₹ 21,150/- per month.

4. Aggrieved thereby, the respondent issued a legal notice to the CGA, requesting the CGA to restore his earlier pension.

5. The CGA, by Office Order dated 16 March 2018, rejected the respondent's representation, stating that the revision of his pension was as per the directions of the Ministry of Personnel, Public Grievances and Pensions, as a clerical error had been discerned in the earlier computation of the respondent's pension. The CGA further issued a notice dated 22 May 2018, proposing to recover, from the respondent, the pension allegedly paid to him in excess. This was followed by a communication dated 26 February 2019 to the Senior Accounts Officer, CPAO, to direct the Pension Paying Bank Branch to recover, from the respondent, ₹ 20,67,588/- in instalments at the rate of one-third of the amount per month till full recovery.

6. Aggrieved thereby, the respondent approached the Tribunal by way of OA 1133/2019.

7. By judgment dated 24 February 2025, the Tribunal has allowed the respondent's OA. The decision to refix the respondent's pension



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as well as to recover from the respondent the pension allegedly paid in excess have both been set aside.

8. Aggrieved thereby, the CGA has approached this Court by means of the present writ petition.

9. We have heard Mr. Manish Kumar, learned SPC for the petitioners and Mr. Sudarshan Rajan, learned Counsel for the respondent.

10. Mr. Manish Kumar submits that there is no reasoning, in the order of the Tribunal, for setting aside the decision to refix the respondent's pension. He submits that the refixation took place because, at the time of grant of pension, a clerical error had taken place. As soon as the error was noticed, corrective measures were taken.

11. Mr. Manish Kumar submits that, apart from referring to a judgment of this Court in *Director General Civil Aviation v. Iqbal Singh Vediti*³, the Tribunal has provided no independent reason to set aside the decision to refix the respondent's pension.

12. Mr. Manish Kumar submits, however, quite fairly, that he is not joining issue with the impugned judgment of the Tribunal on the aspect of recovery.



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13. We, therefore, are only required to examine whether the refixation of the respondent's pension was in accordance with law.

14. We are in agreement with Mr. Manish Kumar that there is no real reasoning provided in the impugned judgment of the Tribunal, in setting aside the petitioner's decision to refix the respondent's pension. Mr. Manish Kumar submits that, therefore, the matter may be remanded to the Tribunal to reconsider this aspect.

15. Remand is not a course of action which should be routinely adopted. It is settled law that, where the necessary material is before the Court so as to enable it to meaningfully examine the correctness of the order under challenge, the Court should decide the matter, rather than remand it.

16. In the present case, as Mr. Rajan correctly points out, the decision of this Court in *Iqbal Singh Vedi*, especially the paragraphs extracted by the Tribunal, clearly notes that, where pension is refixed on account of a clerical error at the time of fixation of the pension, the refixation has to subscribe to the tenets of Rule 70(1)⁴ of the Central Civil Services (Pension) Rules, 1972⁵.

17. The proviso to Rule 70(1) specifically ordains that, if the

⁴ 70. **Revision of pension after authorization**

(1) Subject to the provisions of Rule 8 and 9, pension once authorized after final assessment shall not be revised to the disadvantage of the government servant, unless such revision becomes necessary on account of detection of a clerical error subsequently;

Provided that no revision of pension to the disadvantage of the pensioner shall be ordered by the Head of Office without the concurrence of the Department of Personnel and Administrative Reforms if the clerical error is detected after a period of two years from the date of authorization of pension.

⁵ "the Pension Rules" hereinafter



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revision of pension results in monetary disadvantage to the pensioner, such revision would be required to be preceded by concurrence of the Department of Personnel and Administrative Reforms⁶, where the error is detected two years, or more, after the date of authorisation of the pension.

18. In the present case, the pension of the respondent was authorised on 15 July 2013. The revision orders dated 31 August 2017 and 11 September 2017, which re-fixed the respondent's pension were, therefore, passed more than two years after the pension had been fixed.

19. The proviso to Rule 70(1) was, therefore, required to be complied with.

20. We may also invoke, in this context, the oft-quoted truism that where the law requires an act to be done in a particular manner, that act has to be done in that manner alone or not done at all, for which there is wealth of authority, starting from *Taylor v. Taylor*⁷ and reiterated, subsequently, by the Privy Council in *Nazir Ahmed v. The King Emperor*⁸ and by the Supreme Court in a whole line of decisions, of which the most often-cited is *State of Uttar Pradesh v. Singhara Singh*⁹.

21. Mr. Manish Kumar has drawn our attention to a noting of the

⁶ "DPA" hereinafter

⁷ LR 1Ch426

⁸ AIR 1936 PC 253

⁹ AIR 1964 SC 358



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DPAR which, according to him, would qualify as grant of the requisite authorisation under the concurrence as required by the proviso to Rule 70(1)(A) of the Pension Rules. We may reproduce the noting, in *extenso*, thus:

“Department of Pension & Pensioners' Welfare
Desk (A)

Reference notes of Office of CGA, Deptt of Expenditure on pre page:

Office of CGA, Deptt. of Expenditure on this file, has referred the matter for this Department's concurrence to recover the excess amount of arrears/pension paid to Shri B.N. Chawla, Retired Sr. Accountant for the period from 01.01.2006 to 30.07.2017 on account of wrong fixation of the pension due to a clerical error while revising his pension w.e.f. 01.01.2006 vide CPAO authority dated 15.07.2013.

2. As per the note @P.1 & 2, Shri B.N. Chawla retired from Govt. service w.e.f. 30.09.1996 while working as a Sr. Account in the pay scale of Rs 5500-175-9000/-. His basic pay was Rs 6375/- at the time of retirement and accordingly his basic pension was fixed to Rs 3120/- w.e.f. 01.10.1996. His basic pension was to be revised to Rs. 7215/- PM w.e.f. 01.01.2006 in the pay band of Rs, 9300-34800 with Grade Pay of Rs 4200/- in terms of DoPPW OM dated 28.01.2013, however due to some error, his pension got fixed to Rs. 16307/- vide CPAO authority dated 15.07.2013. The bank paid the arrears for the period from 01.01.2006 to 31.07.2016 to Shri Chawla in the month of July, 2016.

3. Further, while revising his pension as per the 7th CPC, it was found that his basic pension was to be fixed to Rs. 7215/- (instead of Rs. 16307; w.e.f. 01.01.2006 and accordingly his pension as per 7th CPC was revised to Rs.1,150 as per para 1.12 of the guidelines (Rule 70 of CCS (Pension) Rules, 1972) available on Pensioners Portal of DoPPW.

4. In the meantime, in implementation of 7th CPC recommendations, the bank itself revised his pension to Rs. 41,909 (taking his basic pension as Rs.16307 in to account) by multiplying by a factor of 2.57.

5. The pension of Shri Chawla was revised vide CPAO

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authority dated 31.08.2017 on implementation of 7th CPC. On receiving the revised authority, the bank fixed his basic pension to Rs 21,150 w.e.f. October, 2017. Aggrieved, Shri Chawla sent a legal notice to restore his pension. On which, the department issued a Speaking order clarifying the position (Flag/A).

6. The department has submitted that wrong fixation of pension of Shri Chawla w.e.f.01.01.2006 vide CPAO authority dated 15.07.2013 was owing to a clerical error and payment of arrears on account of this was made by the bank in July, 2016. The 7th CPC revision authority was issued on 31.08.2017 implemented by the bank in October, 2017 i.e. with in two implementation/enhancement of pension. Now department has referred the file for this department's concurrence on the recovery of the excess amount paid to Shri Chawia.

7. It is observed that the department has already revised/reduced the pension of Shri Chawla in exercise of the power available to the administrative department under Rule 70 of CCS (Pension) Rules, 1972. The department may take an appropriate administrative decision on the question of making recovery of overpayment of pension on account of wrong fixation/revision of pension during 6th CPC. They may keep in view the rule position in Rule 70(2) and 70(3) as also DoPTs OM No. 18/03/2015-Estt.(Pay.I) dated 02.03.2016.

Submitted for approval please.

Sd/-
(Prashant Gupta)
SO/09.04.2018"

22. We are unable to accept Mr. Manish Kumar's submission for two reasons.

23. In the first place, the noting is dated 9 April 2018, which was a full five years after the decision to re-fix the respondent's pension had been taken. Quite obviously, therefore, this noting cannot constitute concurrence for the decision of re-fixation of the pensioner.

24. Secondly, the noting itself indicates that the concurrence of the

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DPAR was sought only on the aspect of recovery consequent on refixation, which itself had taken place without obtaining any concurrence from the DPAR.

25. The aforesaid noting cannot, therefore, come to the rescue of the petitioner.

26. In that view of the matter, we find no error in the ultimate decision of the Tribunal to set aside the orders dated 31 August 2017 and 11 September 2017 refixing the respondent's pension.

27. The writ petition is, therefore, devoid of merits and is accordingly dismissed with no orders as to costs.

C. HARI SHANKAR, J

NIVEDITA ANIL SHARMA, J

SEPTEMBER 30, 2026/AR