

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) 5004/2016

1. Union of India
Through its General Manager,
South East Central Railway,
Bilaspur
 2. Chief Personnel Officer,
South East Central Railway,
Bilaspur,
 3. Divisional Railway Manger,
South East Central Railway,
Nagpur, Division Nagpur.
 4. Senior Divisional Personnel Officer,
Nagpur Division Nagpur.
- PETITIONER(S)

// VERSUS //

1. Gudar Yethi Rajulu.
Aged about. 68 yrs. Occ. Retired govt
Servant, R/o Plot No. 37, Utthan Nagar,
Natraj Society, Gorewada Road,
Nagpur- 13.
2. Shri, B.N. Raut,
Aged about. 71 yrs. Occ. Retired Govt.
Servant, R/o 309, Pushpanjali,
Reshimbag, Nagpur-9.
3. Shri P.R. Manwatkar,
Aged about, 69 yrs, Occ. Retired govt.
Servant, R/o 541, Zattarodi No.3, Indira
Nagar, Ajni, Nagpur-3.
4. Shri D.V. Ramteke,
Aged about. 70 yrs. Occ. Retired Govt.
Servant, R/o 5, Saket Nagar, Nagpur-27

5. Shri A.J. Gadgil,
Aged about, 69 yrs, Occ. Retired govt.
Servant, R/o 262, Gandhi Nagar,
Ambazari, Nagpur-10.
6. Shri Subhash Chandra Chakrabarti,
Aged about. 64 yrs. Occ. Retired govt
Servant, R/o 401, NIT Complex, Awle
Chowk, Lashkaribag, P.O. A.B. Marg,
Nagpur-17.
7. Shri, Gourishankar Chiman Nagdeo,
Aged about. 68 yrs. Occ. Retired Govt.
Servant, R/o 98, Nagarjun Colony, Nagpur-14.
8. Shri M.B. Chakrabarti,
Aged about, 67 yrs, Occ. Retired govt.
Servant, R/o 506, NIT complex,
Lashkaribag, Nagpur-17.
9. Shri M. Gopalkrisna,
Aged about. 67 yrs. Occ. Retired Govt.
Servant, R/o 204, Jeevan Apartment,
Vaishali Nagar, Nagpur-17.
10. Shri Harilal Sharma,
Aged about, 67 yrs, Occ. Retired govt.
Servant, R/o 5, Kadu Lay out,
Nari Road, Nagpur-26
11. Shri M.M. Kelkar,
Aged about. 76 yrs. Occ. Retired govt
Servant, R/o 307, Pushpanjali,
Reshimbag, Nagpur-9.
12. Shri Laxman Mandal,
Aged about. 65 yrs. Occ. Retired Govt.
Servant, R/o Indira Nagar, Ward No.4,
Dongargarh (Chhatsgarh)

13. Shri N.D. Mallick,
Aged about, 67 yrs, Occ. Retired govt.
Servant, R/o 153, 'Subhashish', New
Varma Lay-out, Nagpur.
14. Shri G.P. Sinha,
Aged about. 66 yrs. Occ. Retired Govt.
Servant, R/o Indiranagar, Ward No.4,
Dongargarh (Chhatisgarh)
15. Smt. Shail Srivastava,
Aged about, 66 yrs, Occ. Nil.
R/o 22, Utthan Nagar, Natraj
Society, Gorewada Road, Nagpur-13.
16. Shri Rajeshwarprasad,
Aged about. 65 yrs. Occ. Retired govt
Servant, R/o 126, Yogendra Nagar,
Boregaon Road, Nagpur-13.
17. Shri Awtarsingh Kalsi,
Aged about, 71 yrs, Occ. Retired govt.
Servant, R/o 310, Sale Tax colony,
Gondia.
18. Shri Tejpalsingh Sandhu,
Aged about. 67 yrs. Occ. Retired Govt
Servant, R/o 1443 Budh Nagar. Near
Gurudwara, Nagpur-17.
19. Shri Mahindersingh Renu,
Aged about. 65 yrs. Occ. Retired Govt.
Servant, R/o 205, Kalpana Nagar,
Ring Road U P Palwadi,
Nagpur-26.
20. Shri P.R. Meshram,
Aged about, 71 yrs, Occ. Retired govt.
Servant, R/o 199, Thawre Nagar,
Jaripatka Nagpur.

21. Shri A. Harigopal Naidu,
Aged about. 73 yrs. Occ. Retired Govt.
Servant, R/o 243, Tekdi Road,
Sitabuldi, Nagpur.
22. Shri Maniram K. Kumbhalkar,
Aged about, 71 yrs, Occ. Retired Govt.
Servant, R/o Khadgaon Road, Mhada
Colony, Wadi, Nagpur.
23. Shri R. Ram Lingeshwar Rao,
Aged about. 75 yrs. Occ. Retired Govt
Servant, R/o Near Chhoti Mazid, Ward
No.5, Nainpur, District Mandla (M.P)
24. Shri B. Ramrao
Aged about, 66 yrs, Occ. Retired Govt.
Servant, R/o Kasai Mohalla, Ward No.4,
Nainpur, District Mandla (M.P)
25. Mr. Anthony Manuel,
Aged about. 69 yrs. Occ. Retired govt
Servant, R/o St. Martin Nagar,
Jaripatka, Nagpur.
26. Shri Shravan Rajaramji Wasnik,
Aged about. 69 yrs. Occ. Retired govt
Servant, R/o Vrindavan Nagar, Binaki
Lay-out, Nagpur-17

.... RESPONDENT(S)

Mr. S.A. Chaudhari, Advocate for the petitioners
Mr. R.V. Shiralkar, Advocate for respondents 1, 3 to 21 & 23 to 26

**CORAM : ROHIT B. DEO AND
M. W. CHANDWANI, J.J.**

DATED : 18/07/2023

ORAL JUDGMENT : (PER:- ROHIT B. DEO, J.)

The Union of India is assailing the judgment dated 21.01.2016 rendered by the Central Administrative Tribunal (CAT) in Original Application 2098/2011. The CAT allowed the Original Application in terms of prayer clauses A and B except to the extent of the interest prayed. The prayer clauses A and B read thus:-

A. Direct the respondents to revise the pension and pensionary benefits by taking add on element as 55% of the basic w.e.f. date of their superannuation/retirement in terms of the judgment of this Hon'ble tribunal in O.A. No. 1273/2005 dated 2.1.2007 and grant them all the consequential benefits such as difference in arrears of pension, gratuity and leave encashment;

B. Direct the respondents to recalculate and refix/revise the pension by adding 55% of the basic pay element from date of retirement and pay the arrears within stipulated period alongwith interest @ 12% p.a. on the same; and"

2. The CAT entirely relied on the judgment rendered by the Principal Bench of the Central Administrative Tribunal at Delhi, as is evident from paragraphs 4, 5 and 6 of the judgment impugned, which read thus:-

"4. During the Course of arguments, it was pointed out by the learned Advocate for the applicant that other similarly situated retired employees approached Hon'ble Principal Bench of Central Administrative Tribunal, New Delhi in OA No.1273/2005 for seeking the similar relief. This was decided in their favour by the order dated 02.01.2007 and the following operative order is passed in paragraph No. 17 :-

“17. In the light of the above, OA is allowed. Respondents are directed to refix the pay of the applicants by taking into consideration add on element of 55% and 75% respectively. In such an event, as a consequential benefits, their pension would have to be revised and they would be entitled to all consequential benefits including pay and allowances, which shall be calculated and disbursed to them within three months from the date of receipt of a copy of this order. No costs.”

5. *The record shows that the above decision rendered by the Hon'ble Principal Bench has been challenged before Hon'ble High Court of New Delhi in Civil Writ Petition No.960/2000 by the respondents. It was decided on 22.09.2003 by which the order passed by the Hon'ble Principal Bench is confirmed. It is stated that the decision rendered by the Hon'ble High Court of New Delhi is approved by the Hon'ble Supreme Court On 06.07.2004. Another decision rendered by the Hon'ble Principal Bench, New Delhi in OA No.396 of 2009 decided on 05.06.2007 is also relied upon by the learned Advocate for the applicant, which is placed on record at Annexure 1-A. It is also pointed out that the respondents have filed Review Petition against the decision rendered by the Hon'ble High Court and the same was also dismissed vide order dated 09.10.2015, a copy of which is produced today on record at the time of argument by the learned Advocate for the applicant.*

6. *In view this admitted position on record, the applicants being similarly situated are entitled to the same relief.”*

3. The judgment of the Principal Bench of the CAT was assailed before the Delhi High Court which upheld the judgment. The Union of India approached the Hon'ble Supreme Court and the Special Leave Petition is dismissed vide order dated 22.02.2023.

4. In this view of the matter, it is common ground that the present petition merits dismissal. The writ petition is **dismissed**.

5. We expect the petitioners to implement the judgment impugned as expeditiously as possible and in any event, within the next eight weeks.

(M. W. CHANDWANI, J.)

(ROHIT B. DEO J.)