



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

Writ Petition No.18/2024

(Jagdish Singh V The Union of India and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. Raisuddin, Advocate for Petitioner.

Mr. S. Chaudhari, Advocate for respondent nos.1 to 5.

CORAM : Nitin W. Sambre & Abhay J. Mantri, JJ

DATE : 04-01-2024.

Heard.

2. After having considered the superannuation with effect from 31-03-2002, the petitioner claims to have completed 79 years of his age on 15-03-2021, the date from which he claimed to be entitled to the 20% hike in the basic pension.

3. The Central Administrative Tribunal has turned down the request of the petitioner vide the impugned order dated 07-02-2023. According to the learned Counsel for the petitioner, the Central Civil Services (Pension) Rules, 1972 (for short, "C.C.S. (Pension) Rules"), prescribes that from 80 years to less than 85 years the petitioner is entitled to 20% hike in the basic pension. According to him, the word 'from 80 years' has to be considered that the petitioner completed 79 years and entered into the 80 years of his birth, he is entitled to a 20% hike in the basic pension. According to him, a *pari*

materia provision came up for consideration before the Gauhati High Court in the matter of **Virendra Dutt Gyani vs. The Union of India and 5 others** (WP(C) 4224/2016). He would urge that the Gauhati High Court has taken a view that the benefit has to be extended from the entering of the 80th year and not the completion of the 80th year of age.

4. While countering the aforesaid submissions, Mr. Chaudhari, learned Counsel for the respondent would urge that Rule 49 (2-A) of the C.C.S. (Pension) Rules are amply applied to the case of the petitioner. According to him, the language of the statute is quite clear and that being so the petitioner's claim was rightly denied not only by the respondent Authorities, but also the prayer is rejected by the Central Administrative Tribunal.

5. We have considered the submissions.

6. We have perused the language employed in the above-said Rule. A specific word to which reference can be made is the entitlement of an additional pension of 20% from the 80th year and not from the completion of the 79th year. In the said Rule, specific words are used such as from the 80th year and the benefit can be continued till less than the 85th year as such the words used in the Rules are intentional to mean that the benefit of a 20% hike in a basic pension can be

extended only from the completion of 80th year and not below that.

7. That being so, no fault could be found with the order impugned in this petition. The petition lacks merits and stands dismissed. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)