

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4260 of 2025

1. The Union of India through the General Manager Banaras Locomotive Works, Post Office D.L.W, Police Station -Manduadih, District Varanasi, Uttar Pradesh 221004
2. The General Manager (Personnel), Banaras Locomotive Works, Post Office D.L.W, Police Station -Manduadih, District Varanasi, Uttar Pradesh 221004
3. The Principal Chief Mechanical Engineer, Banaras Locomotive Works, Post Office D.L.W, Police Station -Manduadih, District Varanasi, Uttar Pradesh 221004
4. The Principal Financial Advisor, Banaras Locomotive Works, Post Office D.L.W, Police Station -Manduadih, District Varanasi, Uttar Pradesh 221004

... .. Petitioner/s

Versus

Satish Chandra Misra Son of Janardan Mishra, Ex-Dy. Chief Mechanical Engineer (SG), Under Principal Chief Mechanical Engineer, Banaras Locomotive Works, Varanasi, Resident of Vill. and Post Sadisopur Bihta, District Patna (Bihar). Pin-801111.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Ravish
For the Respondent/s	:	Mr.Sunil Kumar

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 25-06-2025

In the instant petition, petitioners – Union of India and others have assailed the order of the CAT, dated 21.05.2024, passed in OA No. 050/00930/2023, in the light of Hon'ble Supreme Court decision in Misc. Application Diary No. 2400 of 2024 in Civil Appeal No. 3933 of 2023 and connected matter.



2. Core issue involved in the present lis is whether respondent – Satish Chandra Misra who has attained the age of superannuation and retired from service on 30.06.2022 and who was due for annual increment on 01.07.2022 is entitled to increment which was occurred on 01.07.2022 or not. In this regard, petitioners have rejected the claim of the respondent. Feeling aggrieved by the decision of the petitioner, respondent preferred OA No. 050/00930/2023 and it was allowed on 21.05.2024. Feeling aggrieved by the CAT order dated 21.05.2024, petitioners preferred Review Petition/Application before the CAT and suffered an order on 04.02.2025. Hence, the present Writ Application.

3. Learned Counsel for the petitioners submitted that in the light of later development with reference to Hon'ble Supreme Court order dated 20.02.2025, passed in Misc. Application Diary No. 2400 of 2024 in Civil Appeal No. 3933 of 2023, in the case of **Union of India & Anr. v. M. Siddaraj**, order of CAT is required to be interfered insofar as grant of increment, difference of pay and payment of interest on difference of pay for a particular period. It is necessary to



reproduce portion of the Hon'ble Supreme Court decision dated 20.02.2025 and it reads as under :-

“We had passed the following interim order dated 06.09.2024, the operative portion of which reads as under:

“(a) The judgment dated 11.04.2023 will be given effect to in case of third parties from the date of the judgment, that is, the pension by taking into account one increment will be payable on and after 01.05.2023. Enhanced pension for the period prior to 31.04.2023 will not be paid.

(b) For persons who have filed writ petitions and succeeded, the directions given in the said judgment will operate as *res judicata*, and accordingly, an enhanced pension by taking one increment would have to be paid.

(c) The direction in (b) will not apply, where the judgment has not attained finality, and cases where an appeal has been preferred, or if filed, is entertained by the appellate court.

(d) In case any retired employee has filed any application for intervention/impleadment in Civil Appeal No. 3933/2023 or any other Writ petition and a beneficial order has been passed, the enhanced pension by including one increment will be payable from the month in which the application for intervention/impleadment was filed.”

(underline supplied)



4. In the light of para (a) of the aforementioned order of the Hon'ble Supreme Court, it is crystal clear that if a Government Servant is due for increment on the next date of his retirement, in that event, he is entitled to have the benefit of increment. However, restrictions have been made to the extent that such increment is arrears shall be extended only effect from 01.05.2023 and enhanced pension would be effective from 31.04.2023. In other words, whatever the arrears in the present case with from 30.06.2022 to till payment is made, respondent is not entitled to have the benefits of arrears of pay only w.e.f. 01.05.2023 instead of 01.07.2022 and further pension is required to be re-fixed while adding increment without arrears till 31.04.2023. To the above effect, the CAT order dated 21.05.2024, passed in OA No. 050/00930/2023 read with order passed in Review Application dated 04.02.2025 stands modified.

5. The petitioners are hereby directed to calculate adding increment in favour of respondent with effect from 01.07.2022 and so also re-fix his pension while adding the increment. In other words, notional benefits shall be granted to the respondent with effect from 31.04.2023 till the calculation is made and disbursed. However, we



are in the year 2025. Therefore, respondent is entitled to interest at the rate of 6% per annum from 31.04.2023 till payment is made. The same shall be calculated and disbursed in favour of the respondent within a period of 04 months from the date of receipt of this order.

6. With the above observation, the instant Writ Petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Nirajkrs/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.06.2025
Transmission Date	NA

