



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

WRIT PETITION NO.4402 OF 2025

[Union of India and others Vs. Daulatrao Gana Pawar]

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

Court's or Judge's order

Shri S.A. Chaudhari, Counsel for Petitioners.

Shri V.P. Gawali, Counsel for Respondent.

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.

DATE : 24th NOVEMBER, 2025.

PC. :

1. This petition is filed by the Union of India raising a challenge to the order passed by the Central Administrative Tribunal dated 24th June, 2024. The learned Tribunal, while considering the case of the respondent for grant of one notional increment, which was due from the next date of his retirement on 30th June, 2018, has issued the following directions :

“4. In this view of the matter, we deem it fit to allow the Original Application. The respondents are directed to grant notional increment to the applicant from 1st July, 2018 with all consequential benefits within a period of six months from the date of receipt of a certified copy of this order.”

2. Certain similar orders were taken to the Hon'ble Supreme Court by the Union of India and one such matter was *Union of India and another Vs. M. Siddaraj* [Special Leave Petition (C) No.4722 of 2021]. In the said Special Leave Petition, the Hon'ble Supreme Court, by its order dated 6th September, 2024, issued the following directions :

“(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 directions 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.”

3. The Hon’ble Supreme Court confirmed the said directions (a), (b) and (c) and modified the direction (d) by its further order dated 20th February, 2025 passed in Civil Appeal No.3933 of 2023 to the following effect :

“(d) In case any retired employee filed an application for intervention/impleadment/writ petition/original application before the Central Administrative Tribunal/High Courts/this Court, the enhanced pension by including one increment will be payable for the period of three years prior to the month in which the application for intervention/impleadment/writ petition/original application was filed.”

4. It is to be noted that considering the large number of cases being filed after the judgment of the Hon’ble Supreme Court

dated 11th April, 2023 passed in the case of *The Director (Admn. and HR) KPTCL and others Vs. C.P. Mundingamani and others* (Civil Appeal No.2471 of 2023), such directions were passed by the Hon'ble Supreme Court.

5. Shri S.A. Chaudhari, learned counsel for the petitioners, submits that the impugned order passed by the learned Tribunal be modified to the extent of the above-referred directions of the Hon'ble Supreme Court.

6. Shri V.P. Gawali, learned counsel for the respondent, however, opposes such modification on the ground that the directions issued by the Hon'ble Supreme Court were after deciding the case of the respondent on 24th June, 2024 and, therefore, the said directions are not applicable to the case of the respondent.

7. We are not agreeable to the submission made by the learned counsel for the respondent, considering the directions issued by the Hon'ble Supreme Court, whereby it was directed that the judgment dated 11th April, 2023 passed by the Hon'ble Supreme Court in Civil Appeal No.2471 of 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. It is further observed that the enhanced pension for the period prior to 31st April, 2023 will not be paid.

8. By Clause (b) of the order dated 6th September, 2024 passed by the Hon'ble Supreme Court in Special Leave Petition (C) No.4722 of 2021, it was directed that for persons who have filed writ petitions and succeeded, the directions given in the said judgment dated 11th April, 2023 will operate as *res judicata*, and accordingly, an enhanced pension by taking one increment would have to be paid.

9. Clause (c) states that the direction in Clause (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 appellate Court.

10. Clause (d), which was modified by the Hon'ble Supreme Court by its further order dated 20th February, 2025 passed in Civil Appeal No.3933 of 2023, states that in case any retired employee filed an application for intervention/impleadment/writ petition/original application before the Central Administrative Tribunal/High Courts/this Court, the enhanced pension by including one increment will be payable for the period of three years prior to the month in which the application for intervention/impleadment/writ petition/original application was filed.

11. The Hon'ble Supreme Court has further observed that Clause (d) will not apply to the retired government employee who filed a writ petition/original application or an application for intervention before the Central Administrative Tribunal/High Courts/this Court after the judgment in *Union of India and another Vs. M. Siddaraj*, as in such cases, Clause (a) will apply.

12. Accordingly, the petition is allowed and thereby the judgment and order passed by the Tribunal is modified in terms of the order dated 20th February, 2025 passed by Hon'ble Supreme Court in Civil Appeal No.3933 of 2023 (*Union of India and another Vs. M. Siddaraj*).

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)