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W.P.No.17175 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	28.04.2025
<i>Pronounced on</i>	10.06.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.17175 of 2023

1.Government of India,
Rep. by its Secretary,
Ministry of Personnel,
Public Grievances & Pension,
Department of Pension and Pensioners Welfare,
New Delhi-110 003.

2.Ministry of Finance,
Rep. by its Secretary,
Department of Expenditure, New Delhi.

3.The Principal Controller of Defence Accounts (Pension),
Draupadi Ghat, Allahabad, Allahabad-200 014.

4.The Air Officer Commanding,
Air Force Station,
Amla-460 553, Maharastra State.

...Petitioners

Vs.

1.The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai – 600 104.

2.K.Kutty Krishnan

...Respondents



W.P.No.17175 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the impugned order in O.A.No.1736 of 2018 dated 23.09.2022 passed by the Administrative Tribunal, Chennai Bench, the 1st respondent herein, and quash the same.

For Petitioners : Mr.C.Samivel

For R2 : Mr.Goverdhanan

ORDER

M.S.RAMESH, J.

Through an order dated 25.03.2014 passed by the 3rd petitioner herein, the 2nd respondent's claim, for grant of pension with reference to the replacement pay scale, i.e. Pay Band – 2 (Rs.9300 – Rs.34800) with Grade Pay Rs.4600/-, with effect from 01.01.2006, was rejected and the order was communicated by the 2nd petitioner herein to the 2nd respondent. When the rejection order was challenged by the 2nd respondent before the Central Administrative Tribunal, Chennai Bench, in O.A.No.1736 of 2018, the same was allowed on 23.09.2022, by placing reliance on several judgments of the Hon'ble Supreme Court, as well as this Court and the Co-ordinate Benches of the Tribunal, with a consequential direction to the petitioners to re-fix the pension of the 2nd



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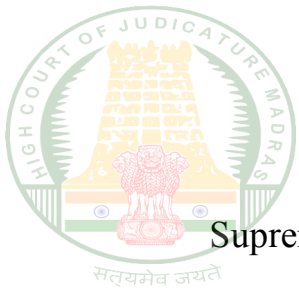
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respondent herein with effect from 01.01.2006 with reference to the replacement pay scale, i.e. PB – 2 (Rs.9300 – Rs.34800) with GP Rs.4600/- as applicable to all HSG-I officials in service after 01.01.2006. This order of the Tribunal is assailed in the present Writ Petition.

2. The learned counsel for the petitioners would submit that the 2nd respondent herein had retired from service on 31.01.1995, which is prior to the cut off date i.e., 01.01.2006 and the revision of pension as per the 6th Central Pay Commission is only applicable to the pensioners, who have retired after 01.01.2006.

3. On the other hand, the learned counsel appearing for the 2nd respondent would submit that in identical matters, the Hon'ble Supreme Court, as well as this Court, have entertained and passed favourable orders in the case of pensioners, who are similarly placed as that of the 2nd respondent herein and therefore, there is no illegality in the impugned order passed by the Tribunal.

4. A perusal of the order of the Tribunal dated 23.09.2022 would reveal that the Tribunal had only relied upon the decision of the Hon'ble



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Supreme Court in the case of ***All Manipur Association Vs. The State of Manipur and Others***, dated 11.07.2019, apart from an order passed by the Tribunal in O.A.No.655 of 2010 dated 01.01.2011, which order was upheld by this Court, as well as the Hon'ble Supreme Court. Similar reliance was also placed on the judgment of Delhi High Court passed in ***W.P.No.3035 of 2016, dated 03.08.2016***. In the case of ***All Manipur Association (supra)***, the Hon'ble Supreme Court had held that, all the pensioners, irrespective of their date of retirement, viz. Pre 1996 retirees shall be entitled to revision in pension at par with those pensioners who retired post 1996.

5. Likewise in the decisions of the Hon'ble Supreme Court in the cases of ***D.S.Nakara Vs. Union of India, Union of India and Another Vs. Central Govt. SAG and Others***, as well as an order passed by the Punjab & Haryana High Court in the case of ***R.K.Aggarwal and Others Vs. State of Haryana and Others***, reliance was placed on a judgment of the Delhi High Court in the case of ***S.A.Khan and Another Vs. Union of India and Others*** passed in ***W.P.No.3035 of 2016***, wherein it was held that pre 2006 pensioners are also eligible for fixation on par with the post 2006 pensioners.



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6. All that the Tribunal had done in this case is of having placed reliance to the already decided cases and had allowed the Original Application. We are in agreement with the stand taken by the Tribunal, since any deviation to the respondent's case from to the cases of similarly placed persons, would amount to discrimination. When one set of pensioners who are identically placed as that of the 2nd respondent herein, have been extended with certain benefits of revision of pension, the 2nd respondent herein would also be equally entitled to for such a relief. This legal proposition has been well settled in a catena of decisions, including the case in *State of Uttar Pradesh Vs. Arvind Kumar Srivastava* reported in (2015) 1 SCC 347.

7. In this view of the matter, we do not find any reason to interfere with the impugned order of the Tribunal. Accordingly, the Writ Petition stands dismissed. No costs.

[M.S.R., J] [N.S., J]
10.06.2025

Index: Yes
Neutral Citation: Yes
Speaking order
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M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

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To

The Registrar,
Central Administrative Tribunal,
Madras Bench Court Building,
Chennai – 104.

Pre-delivery order made in
W.P.No.17175 of 2023

10.06.2025