



W.P.No.25687 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 15.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

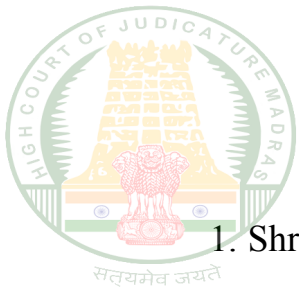
W.P.No.25687 of 2024 and

W.M.P.No.28069 of 2024

1. Union of India,
Rep. by its Secretary to Government,
Ministry of Commerce (Supply Division)
Jeevan Tara Building, 5, Sansad Marg,
New Delhi-110 001.
2. The Joint Secretary,
Supply Division,
Department of Commerce,
Government of India,
Ministry of Commerce & Industry,
Udyog Bhavan, New Delhi-110 001.
3. The Secretary,
Department of Finance,
Government of India,
Room No.39-A, North Block,
New Delhi-110 001.
4. The Director (PP),
Department of Pension and Pensioner's Welfare,
Lok Nayak Bhavan,
New Delhi-110 003.

... Petitioner

-VS-



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1. Shri G.Loganathan

2. The Registrar,
The Central Administrative Tribunal,
Chennai Bench, Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records of the 2nd respondent and quash the order passed by the 2nd respondent in O.A.No.1391 of 2018 dated 23.09.2022.

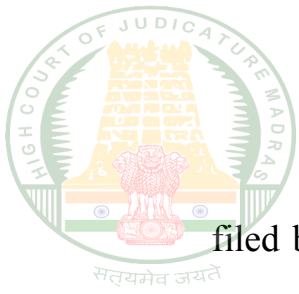
For Petitioners : Mr.K.S.Jeyaganeshan
For R1 : Mr.Karthik

ORDER

(By J.Nisha Banu,J.)

This Writ Petition has been filed, challenging the order dated 23.09.2022 passed by the 2nd respondent in O.A.No.1391 of 2018, by which the Original Application was disposed with a direction to refix the pension of the 1st respondent herein and grant the consequential benefits within three months.

2. When the matter is taken up for hearing, learned counsel for the 1st respondent has produced a copy of the order dated 10.06.2025 passed in an identical issue in W.P.No.17175 of 2023, by which the Writ Petition



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filed by the Government was dismissed. The said submission has not been refuted by the learned counsel for the petitioners.

3. We feel it appropriate to extract the judgment passed in the connected matter in W.P.No.17175 of 2023 for the sake of convenience, which reads as follows:

“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 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



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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 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.

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



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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.”

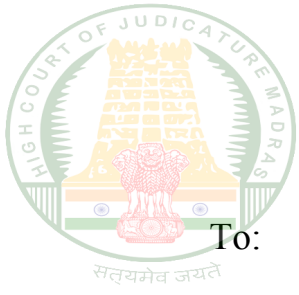
4. In view of the authoritative pronouncement of the judgment of the Division Bench of this Court rendered on this issue vide order dated 10.06.2025 in W.P.No.17175 of 2023 (supra) and following the same, we have no hesitation to hold that the order of the Tribunal is liable to be upheld and the same does not warrant any interference by this Court.

5. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

(J.N.B.J.,) (S.S.J.,)
15.09.2025

Index: Yes / No
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J.NISHA BANU, J.
AND
S.SOUNTHAR, J.
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The Registrar,
The Central Administrative Tribunal,
Chennai Bench, Chennai.

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