



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CWP-25593-2017

Date of Decision: 09.09.2025

HARNEK SINGH

...Petitioner

Versus

UNION OF INDIA AND ORS

...Respondents

CWP-25594-2017

MADAN LAL

...Petitioner

Versus

UNION OF INDIA AND ORS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. S.S. Salar, Advocate,
for the petitioners in both cases.

Mr. Arvind Moudgil, Senior Standing Counsel,
for respondent Nos.1 to 3 in CWP-25593-2017
through V.C.

Mr. Aseem Aggarwal, Senior Standing Counsel,
for respondent Nos.1 to 3 in CWP-25594-2017.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. By this order, both the writ petitions, i.e. CWP-25593-2017 and CWP-25594-2017 are being decided together as these writ petitions are arising out of a common judgment and issue involved therein is also same.
2. For the sake of convenience, the facts are being taken from CWP-25593-2017.



3. In the present petition, the challenge is to the order dated 29.03.2017 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, the OA filed by the petitioner claiming the benefit of revised pension keeping in view the recommendation of the 5th and 6th Pay Commission from 01.01.1996 and 01.01.2006, respectively, has been dismissed and that too, without any valid justification.

3. Learned counsel appearing on behalf of the petitioners submits that the reliance was placed upon the judgment in OA No.990/HR/2009 titled as ***Agia Ram and others vs. Union of India and others***, which has been upheld upto Supreme Court, by which, the similar benefit as being claimed by the petitioner was granted to the other Mistri-cum-Supervisor but the said judgment has not been applied in the present case only on the ground that the same was only with regard to the individuals, who were working as Mistri Supervisors in the pay scale of Rs.4500-7000+special allowance of Rs.100/-, which was only upgraded with effect from 01.01.1996. Learned counsel for the petitioners submits that once, the pay scale of the petitioner was revised from Rs.1400-2300 to Rs.4500-7000 from 01.01.1996, the pension of the petitioner needed to be revised accordingly in the said pay-scale w.e.f. 01.01.1996, which was never done and subsequently also, with the revised pay-scale of Rs.5000-8000 when the same was revised on 09.10.2003 though w.e.f. 01.01.1996, hence, the petitioner is eligible for the grant of benefit of revised pension in the pay



scale of Rs.5000-8000 w.e.f. 01.01.1996

4. Learned counsel appearing on behalf of the respondents submits that the petitioner claimed the said benefit of revised pension after inordinate delay and that too without sufficient cause for the delay hence, he was rightly not held entitled for the grant of revised pension. Learned counsel further submits that the benefit of revised pay scale and consequent revised pension was not granted to the petitioner as on the date when the pay-scale of Rs.1400-2300, which was upgraded to Rs.4500-7000 w.e.f. 01.01.1996, which was subsequently upgraded to Rs.5000-8000 from 01.01.1996, was granted, the petitioner had already retired from service on 31.08.1994, hence, he cannot claim the pension in the said revised pay-scale.

5. We have heard the learned counsel for the parties and have gone through the record of the case with their able assistance..

6. It is a conceded fact that keeping in view the recommendations of the 5th and 6th Pay Commission, not only the pay-scale was to be revised from 01.01.1996, but even the pension of the pensioners, who had already retired prior to 01.01.1996, were to be revised keeping in the revised pay-scale given by the 5th/6th Pay Commission. Concededly, the pay scale of Rs.1400-2300 granted to the petitioner was initially revised to Rs.4500-7000 w.e.f. 01.01.1996, which was further revised to Rs.5000-8000 w.e.f. 01.01.1996. Once, the benefit of said pay-scale of Rs.5000-8000 was given to the post on which the petitioner was working at the time of retirement, the respondents were under obligation to grant the petitioner the benefit of revised pension in accordance with the revised pay-scale. No evidence has been brought on record to support that the said benefit was ever extended to



the petitioner after his retirement.

7. Further, with regard to the contention of the respondents that the petitioner has claimed the said relief after a long delay, it may be noted that the claim of pension is a continuous cause of action and there is no limitation fixed hence, the claim for grant of entitled pension cannot be declined on the ground of delay and reliance can be placed upon the judgment of the Hon'ble Supreme Court of India in Civil Appeal No.4100 of 2022 titled as **Shri M.L. Patil (dead) through LRs vs. State of Goa and another**, decided on 20.05.2022. The relevant paras of which are as under:-

“3. Having heard Shri Rahul Gupta, learned counsel appearing on behalf of the appellant and Shri Ravindra Lokhande, learned counsel appearing on behalf of the respondent – State of Goa and considering the fact that even by the impugned judgment and order, the High Court has held that action of the State Government in requiring the original petitioners to retire at the age of 58 years or not permitting them to continue in their service upto the age of 60 years is illegal and null and void, we are of the view that the High Court has erred in observing that the appellant will not be entitled to any arrears of pension and the pension at the revised rates will become payable only from 1st January, 2020. As such, the High Court may be right and/or justified in denying any salary for the period of two extra years to the writ petitioners if they would have continued in service, on the ground of delay. However, as far as the pension is concerned, it is a continuous cause of action. There is no justification at all for denying the arrears of pension as if they would have been retired/superannuated at the age of 60 years. There is no justification at all by the High Court to deny the pension at the revised rates and payable only from 1 st January, 2020. Under the circumstances, the impugned judgment and order passed by the High Court is required to be modified to the aforesaid extent.

4. In view of the above and for the reasons stated above, the present Appeal Succeeds in Part. The impugned judgment and order passed by the High Court to the extent of denying any arrears of pension and holding that the appellant shall be entitled to the pension at the revised rates



only from 1st January, 2020 is hereby quashed and set aside. It is held and ordered that the appellant – original writ petitioner shall be entitled to pension at the revised rates from the date he attains the age of 60 years. Now the arrears accordingly shall be paid to the appellant within a period of four weeks from today. Present Appeal is Partly Allowed to the aforesaid extent. In the facts of the case, there shall be no order as to costs.”

8. Keeping in the totality of the circumstances, both the writ petitions are allowed and the order dated 29.03.2017 (Annexure P-1) passed by the Tribunal is set aside.

9. The respondents are directed to consider the claim of the petitioners for revised pension in the pay-scale of Rs.5000-8000 with effect from 01.01.1996, in case the same was not granted to them already from the due date. Let the arrears of the pension be also released to the petitioners by granting them subsequent revision also qua the revision of the pay-scale in the 6th Pay Commission as well. Let this order be complied with within a period of two months of the receipt of the copy of this order.

10. The present petitions are allowed in the above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 09, 2025
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Whether speaking/reasoned	Yes
Whether reportable	No