



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-25609-2025

Date of Decision: 01.09.2025

Union of India and others

....Petitioners

Versus

JC 184785M Ex. Sub Jaswant Singh and others

....Respondents

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

Present: Mr. R.C.Sharma, Senior Panel Counsel
for the petitioners.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the order dated 15.05.2023 (Annexure P-1) passed by the Armed Forces Tribunal, Chandigarh Bench, (for short 'the Tribunal') by which, Original Application No.2945 of 2019 filed by respondents No.1 and 2, has been allowed and the respondents have been allowed the benefit of the revised pay scale as per recommendation of 5th pay commission w.e.f. 01.01.1996 instead of 10.10.1997.

2. Learned counsel for the petitioners submits that though liberty has been given to the petitioners to pass an order with regard to the claim of the respondent for fixing of the pensionary benefits of the respondents in the



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pay scale of Rs.5620-8140/- from 01.01.1996 but, it has already been held that the claim of the respondents is covered by the judgment of the Division Bench of this Court in **CWP-15400-2006** titled ***Jai Narayan Jakhar vs. Union of India and another***, decided on 14.01.2008, which judgment has been upheld upto the Hon'ble Supreme Court of India. Learned counsel for the petitioners submits that once a finding has already been given that the claim of respondents qua revised pay scale w.e.f. 01.01.1996 after removal of anomalies by the committee is covered by the decision in ***Jai Narayan Jakhar's case (supra)***, directing the petitioners to decide the claim becomes meaningless and therefore, the order dated 15.05.2023 (Annexure P-1) may kindly be set aside.

3. We have heard the learned counsel for the petitioners and have gone through the record with his able assistance.

4. Before the Tribunal, the respondents had raised the claim that the pay scale of Rs.5620-8140/- which has been made applicable from 01.01.1997, be made applicable from 10.10.1996 as an anomaly qua revised pay scale was detected and consequently removed by the constituted committee and the Division Bench of this Court in ***Jai Narayan Jakhar's case (supra)***, has already been granted the same benefit of revised pay scale for the purpose of fixing the pension in the said pay scale w.e.f. 01.01.1996, still the benefit of pension in revised pay scale from 01.01.1996 was not being given to the respondents.

5. Learned counsel for the petitioners has not been able to dispute



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the fact that the entitlement of fixing of their pensionary benefits in the said pay scale from 01.01.1996 is correct. The only argument which has been raised is that the respondents herein had retired prior to 01.01.1996 hence, they should not be entitled for grant of revised pay scale for fixation of their pension.

6. It may be noticed that the said fact will not change the entitlement qua the relief to which the respondents are entitled for the reason that the pay scales were revised from 01.01.1996 and the post on which the respondents were working, got a revised pay scale of Rs.5620-8140/- w.e.f. 10.10.1997 after removal of anomalies by the constituted committee after which date, their pension was fixed in accordance to the said pay scale, but the Coordinate Bench of this Court in ***Jai Narayan Jakhar's case (supra)***, held that the pay scale of Rs.5620-8140/- is to be given from 01.01.1996 as the anomaly that had been detected has been removed on 10.10.1997 and therefore, the same has to be made applicable from 01.01.1996 rather than 10.10.1997.

7. Once, the pay scale of Rs.5260-8140/- has been deemed to have been revised from 01.01.1996, the pension of the respondents was also required to be fixed in the said pay scale from 01.01.1996 and not 10.10.1997, which benefit was not being given and the Tribunal has granted the said benefit, as per the judgment in ***Jai Narayan Jakhar's case (supra)***, which judgment had already been upheld by the Hon'ble Supreme Court of India and similar benefits have already been granted to similarly situated employees.



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- 8. Keeping in view the totality of the facts and circumstances of the present case, no ground is made out for any interference by this Court in the facts and circumstances of the present case.
- 9. Accordingly, the writ petition is dismissed.
- 10. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

September 01, 2025
Varinder

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No