

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 7074 of 2026

1. The Union of India through the Chairman, Railway Board, Rail Bhawan, New Delhi- 110001.
2. The General Manager, East Central Railway, Hajipur- 844101.
3. The Chief Personnel Officer, East Central Railway, Hajipur- 844101.
4. The Chief Personnel Officer, Eastern Railway, Fairley Place, 17, Netaji Subhash Road, Kolkata- 700001.
5. The Divisional Railway Manager, East Central Railway, Danapur Division, Danapur- 800012.
6. The Divisional Railway Manager, Eastern Railway, Asansol Division, Asansol, Burdhaman- 713304.
7. The Senior Divisional Personnel Officer, East Central Railway, Danapur Division, Danapur- 800012.

... .. Petitioner/s

Versus

Sugandha Devi W/o Late Ashok Kumar, Resident of village- Haridaspur, P.O.- Khagaul, P.S.- Khagaul, District- Patna and Present Address- Qr. NO. 47-D, Railway Colony, Jahanabad, P.S.- Jahanabad, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioners : Mr. Kumar Sachin
For the Respondent : Mr.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE RANA VIKRAM SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date: 14-07-2026

Heard the learned counsel for the petitioners, Mr. Kumar Sachin at length.

2. The present writ petition has been filed challenging the order dt. 10.9.2025 passed by the learned Central Administrative



Tribunal, Patna Bench, Patna (hereinafter referred to as 'the CAT, Patna') in O.A./050/00465/2021 whereby and whereunder the original application filed by the respondent herein has been allowed and it has been held that the deceased husband of the sole respondent is entitled to be covered under the Railway Services (Pension) Rules, 1993 (Old Pension Scheme) and consequently the impugned order dated 13.07.2021 has been set aside.

3. The brief facts of the case which are not in dispute are that while the applicant was working at V.N. Sharma Institute (Cinema), Danapur, a Quasi Administrative Office and a recreation club for railway employees managed by a private body, the Railway Board vide letter dated 30.05.2000 (RBE No. 103/2000) had notified that as a onetime relaxation, the Railway may consider absorption of only those staff of Quasi Administrative Office/Organization, who were on roll continuously for a period of at least three years as on 10.06.1997 and are still on roll, subject to fulfillment of prescribed educational qualifications required for recruitment to Group 'D' Posts, whereafter the consequential process was initiated by the petitioners. The Chief Personnel Manager, Eastern Railway, Kolkatta had then vide letter dated 12.06.2001



communicated that 21 employees of Quasi Administrative Offices including the husband of the respondent herein have been found eligible for absorption as per the norms, whereafter the Danapur Divisional authority had issued a call letter to the said eligible employees for screening test to be held for absorption against regular Group 'D' Posts in the Railway.

4. In the meantime, some employees of Quasi Administrative Office, who were not called for screening had filed an original application bearing O.A. No. 40 of 2002 (Siya Ram and Ors. Vs. UOI and Ors.) before the learned CAT for directing the Railway authorities to permit them to appear provisionally in the screening test. The learned CAT had passed interim order dated 24.02.2003 and had directed the petitioners to maintain *status quo*, nonetheless finally the original application was dismissed by the learned CAT on 20.10.2004 and the order of *status quo* had automatically stood vacated. After dismissal of the aforesaid original application bearing O.A. No. 40 of 2002 by the learned CAT on 20.10.2004, the Railway Administration had processed the case of the aforesaid 21 employees for absorption and finally offer of appointment for Group 'D' Posts in Railway was issued in favour of the husband of the respondent and others on 08.08.2005.



5. The husband of the respondent herein being aggrieved by not being covered under the Old Pension Rules and instead being directed to be governed by the New Pension Scheme had preferred an original application bearing OA No. 121 of 2021 and the Ld. CAT by an order dated 23.02.2021, while directing the petitioners to take decision on the representation filed by the husband of the respondent herein, had disposed of the said original application by observing that the case of the applicant for eligibility under the Old Pension Rules be considered in light of RBE 28/2020 and other relevant rules and guidelines. The Sr. Divisional Personnel Officer, East-Central Railway, Danapur, by the impugned order dated 13.07.2021 had disposed of the representation filed by the husband of the respondent and had held that considering all the facts and in light of the guidelines issued by the Railway Board vide RBE No. 28/2020 dt. 3.3.2020, it transpires that the selection of the husband of the respondent for appointment was not finalized before 01.01.2004, hence the benefit of Railway Services (Pension) Rules, 1993 (herein after referred to as the “Rules, 1993”) cannot be extended to him.

6. The husband of the respondent had then filed the connected O.A/050/00465/2021 before the learned CAT, *inter*



alia praying therein for quashing the aforesaid order dated 13.07.2021 and for issuing a direction to the petitioners to place him under the Rules, 1993. The learned CAT by the impugned order dated 10.09.2025 has considered the case of the parties at length and has observed that the husband of the respondent along with others were subjected to the process of screening on 19.02.2003, which clearly establishes that the recruitment process had commenced prior to the cutoff date i.e., 01.1.2004, however on account of the interim order dated 24.02.2003, passed by the Ld. CAT in O.A. No. 40/2002, which was filed by unsuccessful candidates who were not called for screening, delay has been caused in the selection process. The Ld. CAT has also taken note of paragraph No. 16 of the written statement filed by the petitioners before the Ld. CAT which is produced herein below:-

“..... Suffice it to say that if the interim order like as "however, not publishing the results of the applicant including seven similar situated staffs of OA no. 40/2002 without the leave of the CAT Bench" is not so passed, then office of the answering respondents is able to publish the aforesaid result either much prior to 31.12.2003 or dismissed the OA no. 40/2002 on 20.10.2004”

7. Thus, the learned CAT has observed in the impugned



order dated 10.09.2025 that as the applicant's husband (respondent's husband herein) was not an applicant but he was made a party respondent, such circumstance was wholly beyond the control of the applicant's husband and squarely falls within the expression- "*delay due to administrative & judicial reasons*", as has subsequently been recognized by the Government of India. The Ld. CAT has also arrived at a finding in the said order dated 10.09.2025 that the Government of India, Department of Pension and Pensioners' Welfare vide OM dated 17.02.2020 and OM dated 03.03.2023, which have been duly adopted by the Railway Board vide RBE No. 28/2020 dated 03.03.2020 and RBE No. 41/2023 dated 10.3.2023, has notified that the employees whose recruitment process had commenced prior to 01.01.2004 but whose appointment was delayed on account of administrative lapses or court orders, are to be governed under the Old Pension Scheme instead of being covered under the New Pension Scheme (NPS). Moreover, the learned CAT has also come to a finding that the impugned order dated 13.07.2021 is a cryptic and a non-speaking order and does not contain any reason for rejecting the case of the husband of the respondent. Accordingly, the learned CAT by the impugned order dated 10.9.2025 has set aside the order dated 13.07.2021



and has held that the deceased husband of the sole respondent is entitled to be covered under the Railway Services (Pension) Rules, 1993 (Old Pension Scheme).

8. The learned counsel for the petitioners has submitted that since the letter of offer of appointment was issued in favor of the husband of the respondent only on 08.08.2005, i.e. much after the cut-off date which is 01.01.2004, the deceased husband of the sole respondent is required to be covered under the New Pension Scheme. Nonetheless, upon a query being put by us to the learned counsel for the petitioners to the effect that in the present case though the process of absorption of the husband of the respondent and others was initiated by calling such candidates for screening on 19.02.2003, i.e. much before the cutoff date but on account of passing of an interim order of stay dated 24.02.2003 by the Ld. CAT in OA No. 40 of 2002, delay had taken place in issuance of offer of appointment in favour of the husband of the respondent and others, which could ultimately be issued only on 08.08.2005, thus whether the present case would squarely falls within the expression- “*delay due to administrative & judicial reasons*” and would consequently be covered by Railway Board’s RBE No. 28/2020 dt. 03.3.2020 and RBE No. 41/2023 dated 10.3.2023, to which



the learned counsel for the petitioner has got no answer.

9. We have heard the learned counsel for the parties and perused the materials on record from which it is apparent that the facts of the present case lie in a narrow encompass, inasmuch as while the applicant was working at V.N. Sharma Institute (Cinema), Danapur, a Quasi Administrative Office, the Railway Board vide letter dated 30.05.2000 (RBE No. 103/2000) had notified that as a onetime relaxation, the Railway may consider absorption of staff of Quasi Administrative Office/Organization subject to fulfillment of prescribed norms and educational qualifications required for recruitment to Group 'D' Posts, whereafter the consequential process was initiated by the petitioners. The husband of the respondent and others having been found eligible were called for screening test to be held for absorption against regular Group 'D' Posts in the Railway on 19.02.2003. In the meantime, some employees of Quasi Administrative Office, who were not called for screening had filed an original application bearing O.A. No. 40/2002 before the Ld. CAT for directing the Railway authorities to permit them to appear provisionally in the screening test, leading to the Ld. CAT passing an interim order dt. 24.02.2003, directing the petitioners to maintain status quo, however the said original



application was dismissed by an order dt. 20.10.2004, whereafter, the Railway Administration had processed the case of the husband of the respondent and others for absorption and finally offer of appointment for Group 'D' Posts in Railway was issued in favor of the husband of the respondent and others on 08.08.2005.

10. Thereafter, the petitioners had taken a decision to put the husband of the respondent under the New Pension Scheme since he had been appointed after the cutoff date, i.e. 01.01.2004. The husband of the respondent herein being aggrieved had preferred an original application bearing OA No. 121 of 2021 and the Ld. CAT by an order dated 23.02.2021 had disposed of the said original application with a direction to the petitioners to take a decision on the representation filed by the husband of the respondent herein in light of RBE 28/2020 and other relevant rules and guidelines. The Sr. Divisional Personnel Officer, East-Central Railway, Danapur, by an order dated 13.07.2021 had disposed of the representation filed by the husband of the respondent and had held that the benefit of Rules, 1993 cannot be extended to him.

11. The husband of the respondent had then filed the connected O.A/050/00465/2021 before the Ld. CAT, inter alia



praying therein for quashing the aforesaid order dated 13.07.2021 and for directing the petitioners to place him under the Rules, 1993. The Ld. CAT by the impugned order dated 10.09.2025, upon having considered the case of the parties at length has set aside the order dated 13.07.2021, passed by the Sr. Divisional Personnel Officer, East-Central Railway, Danapur and has held that the deceased husband of the sole respondent is entitled to be covered under the Railway Services (Pension) Rules, 1993 (Old Pension Scheme). The said order dated 10.09.2025, passed by the Ld. CAT in the connected O.A/050/00465/2021 is under challenge in the present writ petition.

12. At this juncture, it would be relevant to mention here that the railways, vide RBE. No. 28/2020 dated 03.03.2020 had adopted O.M. No. 57/04/2019-P&PW(B) dated 17.02.2020, issued by the Department of Pension and Pensioner's Welfare (DOP & PW's). It would be relevant to reproduce paragraph nos. 3, 4, and 8 of the aforesaid O.M. dt. 17.02.2020 herein below:-

“3. From the representations of the Government employees and the references received from Ministries/Departments, it has been observed that in many of the cases referred to this Department, selection process (including written examination, interview and



declaration of result) for recruitment had been completed before 01.01.2004 but the employee joined the Government service on or after 01.01.2004. A few illustrations where the selection was finalized before 01.01.2004 but actual joining took place on or after 01.01.2004 are as under :

i) The result for recruitment was declared before 01.01.2004 but the offer of appointment and actual joining of the Government servant was delayed on account of police verification, medical examination etc.;

(ii) Some of the candidates selected through a common selection process were issued offers of appointments and were also appointed before 01.01.2004 whereas the offers of appointment to other selected candidates were issued on or after 1.1.2004 due to administrative reasons/ constraints including pending Court/CAT cases.

(iii) Candidates selected before 01.01.2004 through a common competitive examination were allocated to different Departments/organization. While recruitment process was completed by some Department(s) / organization on or before 31.12.2003 in respect of one or more candidates, the offers of appointment to the candidates allocated to the other Departments /organization were issued on or after 01.01.2004.

(iv) Offers of appointment to selected candidates were made before 01.01.2004 with a direction to join on or after 01.01.2004.

(v) Offers of appointment were issued to selected candidates before 01.01.2004 and many/most candidates joined service before 01.01.2004. However, some candidate(s) were allowed extension of joining time and they joined service on or after 01.01.2004. However, their seniority was either unaffected or was depressed in the same batch or to a subsequent batch, the result for which subsequent batch was declared



before 01.01.2004.

(vi) The result for recruitment was declared before 01.01.2004 but one or more candidates were declared disqualified on the grounds of medical fitness or verification of character and antecedents, caste or income certificates. Subsequently, on review, they were found fit for appointment and were issued offers of appointment on or after 01.01.2004.

In all the above illustrative cases, since the result for recruitment was declared before 01.01.2004, denial of the benefit of pension under CCS (Pension) Rules, 1972 to the affected Government servants is not considered justified.

4. The matter has been examined in consultation with the Department of Personnel & Training, Department of Expenditure and Department of Legal Affairs in the light of the various representations/references and decisions of the Courts in this regard. It has been decided that in all cases where the results for recruitment were declared before 01.01.2004 against vacancies occurring on or before 31.12.2003, the candidates declared successful for recruitment shall be eligible for coverage under the CCS(Pension) Rules, 1972. Accordingly, such Government servants who were declared successful for recruitment in the results declared on or before 31.12.2003 against vacancies occurring before 01.01.2004 and are covered under the National Pension System on joining service on or after 01.01.2004, may be given a one-time option to be covered under the CCS(Pension) Rules, 1972. This option may be exercised by the concerned Government servants latest by 31.05.2020.

8. The matter regarding coverage under the CCS (Pension) Rules, 1972 based on the option exercised by the Government servant shall be placed before the appointing authority for consideration in accordance with these instructions. In case the Government servant



fulfills the conditions for coverage under the CCS (Pension) Rules, 1972 in accordance with these instructions, necessary order in this regard shall be issued latest by 30th September, 2020. The NPS account of such Government servants shall, consequently, be closed w.e.f 01st November, 2020”

“Underlining mine”

13. A bare perusal of the aforesaid O.M. dated 17.02.2020 would show that it has been stipulated therein that in such cases where offer of appointment was issued to the concerned candidates on or after 01.01.2004 due to administrative reasons/ constraints including pending Court/CAT cases, denial of benefits of pension under the Old Pension Rules is not justified, hence such cases would be covered under the Old Pension Scheme.

14. Having regard to the facts and circumstances of the case and considering the effect of the aforesaid O.M. dated 17.02.2020, issued by the Department of Pension and Pensioner's Welfare (DOP &PW's) Government of India, as adopted by the petitioners vide RBE No. 28/2020 dated 03.03.2020, there is not an iota of doubt that the case of the husband of the respondent is squarely covered by the provisions contained in the O.M. dt. 17.02.2020, inasmuch as though the selection process was initiated on 07/09.02.2003, when the husband of the respondent along with other eligible candidates



were called for screening, to be held on 19.02.2003, however the same was delayed on account of an order of stay dated 24.02.2003 passed by the Ld. C.A.T and only after dismissal of the said O.A. No. 40/2002 on 20.10.2004, the selection process was completed and offer of appointment could be issued in favor of the husband of the respondent and others on 08.08.2005. Thus admittedly, the offers of appointment to the husband of the respondent and others were issued on or after 01.01.2004 due to administrative reasons/constraints including pending Court/CAT cases.

15. Therefore, we find that the learned CAT by the impugned order dated 10.09.2025 has rightly held that such circumstance, i.e. the stay order passed by the learned CAT on 24.02.2003, was beyond the control of the husband of the respondent, hence the instant case will fall within the expression of “Delay due to administrative or judicial reason”, thus is fully covered by the aforesaid O.M. dated 17.02.2020, issued by the Department of Pension and Pensioner’s Welfare (DOP &PW’s) Government of India, as adopted by the petitioners vide RBE No. 28/2020 dated 03.03.2020 and consequently, the deceased husband of the sole respondent is entitled to be covered under the Railway Services (Pension) Rules, 1993 (Old Pension



Scheme). Accordingly, we find that the Ld. CAT has rightly set aside the order dated 13.07.2021 passed by the Senior Divisional Personnel Officer, East Central Railway, Danapur, being contrary to O.M. dated 17.02.2020, apart from being an unseasoned and a non-speaking order.

16. Having regard to the facts and circumstances of the case and for the foregoing reasons, we do not find any infirmity in the order dated 10.9.2025, passed by the learned Central Administrative Tribunal, Patna Bench, Patna in O.A./050/00465/ 2021, hence the present writ petition stands dismissed, being devoid of any merit.

(Mohit Kumar Shah, J)

(Rana Vikram Singh, J)

Smriti/Prakash

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	21.07.2026
Transmission Date	

