2026:BHC-NAG:5439-DB

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1476 OF 2024

Prof Chittoor S/o. Gopalkrishna Raghavan,

(dead through LR's vide Courts Order dated 13/03/2026 and 26/03/2026}

1 (a) Smt. Jayalakshmi Raghvan,
Aged:82 Yrs., Occu.: Retired & Housewife,
R/o. Jasmine 98, LNT Serene County,
Telecom Nagar, Gadchibowli,
Hyderabad- 500032

1 (b)Mr Chittor Raghvan Gopalkrishnan
Aged:54 Yrs., Occu.: Service,
R/o. Jasmine 98, LNT Serene County,
Telecom Nagar, Gadchibowli,
Hyderabad- 500032

...PETITIONERS

// V E R S U S //

1. **State of Maharashtra,**
Finance Department
Through Secretary, Mantralaya,
Madam Cama Road, Mumbai-32

2. **State of Maharashtra,**
Accounts and Treasury,
Government of Maharashtra,
Through Additional Chief Secretary,
Mantralaya, Madam Cama road,
Mumbai-32

3. **Deputy Accountant General (Pension),**
Pension Branch, P-Box#114
Office of the Accountant General
(A & E) II, Maharashtra,
Nagpur-440001

RESPONDENTS

Mr A. S. Jaiswal, Sr. Adv. a/b Ms Radhika Bajaj, Advocate for the petitioner/s
Ms K. P. Marpakwar, AGP for respondents/State

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.
DATED : 2nd APRIL, 2026.

O R A L J U D G M E N T : (PER : ANIL S. KILOR, J.)

1. Heard.

2. **RULE.** Rule made returnable forthwith and heard learned counsel for the parties.

3. In the present writ petition, the petitioner who was a Professor and Head of the Department of Law, is raising a challenge to the Government Resolution dated 24/01/2019, which according to the petitioner creates classes amongst the class of employees, who retired prior to 01/01/2016 and after 01/01/2016.

4. The brief facts of the present case are as follows:-

(a) The petitioner was a Professor and Head of the Department of Law, Nagpur University and superannuated on 01/05/1995.

(b) The petitioner's pension was fixed in accordance with the 4th Central Pay Commission and subsequently, in accordance with the 5th and 6th Central Pay Commissions.

(c) The revised pay matrix as per the 7th Central Pay Commission involves usage of two formulations.

(d) The first formulation recommends that the pension of the employees, who retired before the cut off date 01/01/2016, be fixed notionally at the minimum of 7th Central Pay Commission revised scale of pay corresponding to one of the pensioners that he had at the time of his retirement. This amount is recommended to be raised by adding the number of increments earned by the retiree in his retiring scale @ 3%. The amount so arrived at would be notional pay and 50% of it would be his revised pension.

(e) Whereas, the second calculation which is recommended and applicable to the employees, who retired after the cut off date 01/01/2016, the pension which had been fixed by the time of implementation of the 6th Central Pay Commission recommendation to be multiplied by 2.57, to arrive at an alternate value for the revised pension.

(f) Furthermore, the clause 1.01.67 (iii) states that pensioners may be given the option of choosing whichever formulation is beneficial to them.

The next clause further says that fixation of pension as per formulation, in the first instance, may take a little time since the record of each pensioner would have to be checked to ascertain the number of increments earned in the retiring level, it is recommended that in the first instance the revised pension may be calculated for the formulation mentioned in Clause 2 as an interim measure. That, in the event that the calculation as per the first recommendation is higher amount, the difference may be paid subsequently.

(g) The State of Maharashtra has accepted the recommendation of 7th Pay Commission and fixed the revised pension of petitioner with effect from 01/01/2019 at Rs.46,510/-. Since, the petitioner was not given a choice to choose better option out of the two formulations, the petitioner made a representation.

As the petitioner did not receive any satisfactory explanation, he filed the present petition.

5. Since, in the light of the case of the petitioner that such classification for creation of two classes amongst the retired employees i.e. the employees, who retired prior to 01/01/2016 and after 01/01/2016 is arbitrary and violative of Article 14 of the Constitution of India, the only question that arises for consideration is, whether there is any rationale in

creating such classes and whether such a rationale has any nexus to the object sought to be achieved?

6. As it is a well settled law that the classification must be founded on intelligible differentia which distinguishes persons or things that are grouped together from those that are left out of the group and that differentia must have rationale nexus to the object sought to be achieved by the Statute in question, we directed the respondents vide order dated 05/12/2025 to explain such nexus, if any. In reply, an affidavit came to be filed on 13/01/2026 citing a reason as regards the current financial situation in the State.

7. In this backdrop, Shri. A. S. Jaiswal, learned Senior Advocate for the petitioner argues that, in absence of any affidavit justifying that such classification is founded on intelligible differentia and there is rationale nexus to the object sought to be achieved, the classification treating the employees, who retired before 01/01/2016 and after 01/01/2016, at a different footing, for the purpose of fixation of pension as per the 7th Pay Commission recommendation is arbitrary, unreasonable and violative of Article 14 of the Constitution of India. In support of his argument, he has placed reliance on

the judgment of the Co-ordinate Bench of this Court in the case of *Raghvendra Anantrai Mehta .v/s. State of Maharastra,* reported in, *2022(1) Mh.L.J.210.*

8. Shri A. S. Jaiswal, learned senior Advocate further points out that, the respondent No. 3, while making fixation of pension of the petitioner as per the 7th Pay Commission and while calculating the pension, calculated the same without adding the increments admissible in Level 14 grade as the basis for fixation of his basic pension. He further points out that, in the petition, a specific stand has been taken that, on account of this, 50% of the basic pay i.e. Rs.72,100/-, with admissible deductions for the qualifying years of service, ought to have formed the basis for fixing the revised pension applicable from 01/01/2019. However, the same was denied to the petitioner, which is causing grave prejudice to the petitioner.

9. On the other hand, Ms Kalyani Marpakwar, learned AGP opposed the present petition and submits that the State has categorically stated on affidavit that in view of the current financial situation in the State, the State Pay Commission Committee has not recommended fixation of notional pay as per the recommendations of Central Pay Commission. She,

therefore, submits that the state has tried to justify the reason for such classification. Accordingly, she prays for dismissal of the present petition.

10. In the above referred backdrop, considering the rival submissions and also the question referred *hereinabove*, which has arisen in this case for decision, we are of the opinion that the present case is squarely covered by the judgment of the Co-ordinate Bench of this Court in the case of *Raghvendra Mehta* (supra), wherein similar approach was adopted by the State while fixing the pension as per the 6th Pay Commission Recommendation. In the said matter, two classes were created amongst the pensioners, one who retired prior to 1996 and another post 1996, for the purpose of revision of pension. In the said matter, argument was that such creation of two classes amongst the pensioner is absolutely arbitrary and violative of the Article 14 of the Constitution of India.

11. This Court while holding in favour of the petitioner in that case, has observed thus:

> *"15 Similarly, in All Manipur Pensioners Association (supra) the Hon'ble Apex Court observed and held as under:*
>
> *"8 Even otherwise on merits also, we are of the firm opinion that there is no valid justification to create two classes, viz., one who retired pre-1996 and another who retired post-1996, for the purpose of grant of revised pension, In our view, such a*

classification has no nexus with the object and purpose of grant of benefit of revised pension. All the pensioners form a one class who are entitled to pension as per the pension rules. Article 14 of the Constitution of India ensures to all equality before law and equal protection of laws. At this juncture it is also necessary to examine the concept of valid classification. A valid classification is truly a valid discrimination. It is true that Article 16 of the Constitution of India permits a valid classification. However, a very classification must be based on a just objective. The result to be achieved by the just objective presupposes the choice of some for differential consideration/treatment over others. A classification to be valid must necessarily satisfy two tests. Firstly, the distinguishing rationale has to be based on a just objective and secondly, the choice of differentiating one set of persons from another, must have a reasonable nexus to the objective sought to be achieved. The test for a valid classification may be summarised as a distinction based on a classification founded on an intelligible differentia, which has a rational relationship with the object sought to be achieved. Therefore, whenever a cut-off date (as in the present controversy) is fixed to categorise one set of pensioners for favourable consideration over others, the twin test for valid classification or valid discrimination therefore must necessarily be satisfied. In the present case, the classification in question has no reasonable nexus to the objective sought to be achieved while revising the pension. As observed hereinabove, the object and purpose for revising the pension is due to the increase in the cost of living. All the pensioners form a single class and therefore such a classification for the purpose of grant of revised pension is unreasonable, arbitrary, discriminatory and violative of Article 14 of the Constitution of India. The State cannot arbitrarily pick and choose from amongst similarly situated persons, a cut-off date for extension of benefits especially pensionary benefits. There has to be a classification founded on some rational principle when similarly situated class is differentiated for grant of any benefit."

"8.1 As observed hereinabove, and even it is not in dispute that as such a decision has been taken by the State Government to revise the pension keeping in mind the increase in the cost of

living. Increase in the cost of living would affect all the pensioners irrespective of whether they have retired pre-1996 or post-1996. As observed hereinabove, all the pensioners belong to one class. Therefore, by such a classification/cutoff date the equals are treated as unequals and therefore such a classification which has no nexus with the object and purpose of revision of pension is unreasonable, discriminatory and arbitrary and therefore the said classification was rightly set aside by the learned Single Judge of the High Court. At this stage, it is required to be observed that whenever a new benefit is granted and/or new scheme is introduced, it might be possible for the State to provide a cutoff date taking into consideration its financial resources. But the same shall not be applicable with respect to one and single class of persons, the benefit to be given to the one class of persons, who are already otherwise getting the benefits and the question is with respect to revision."

16. Intensive examination of Article 14 of the Constitution of India by the Hon'ble Apex Court in the aforesaid cases (supra) signifies the significance of Article 14 of the Constitution of India. The other facet of Article 14 which must be remembered is that it eschews arbitrariness in any form. It is well settled that what Article 14 strikes at is arbitrariness because any action that is arbitrary must necessarily involve negation of equality.

17. Thus, the fundamental principle is that Article 14 forbids class legislation but permits reasonable classification for the purpose of legislation which classification must satisfy the twin tests of classification being founded on intelligible differentia which distinguishes person or things that are grouped together from those that are left out of the group and that differentia must have a rational nexus to the object sought to be achieved by the statute in question.

18. According to the learned counsel for the petitioner, there is no criterion on which classification of pensioner(s) who retired on or after 1st January, 1996 and before 1st January, 2006 can provide a rational principle co-related to object viz., object underlying payment of pension.

> *19. We are also unable to understand on what basis petitioner and others like him were left high and dry in as much as the same is neither discernible nor decipherable. No rational principle is outlined and explained by the respondent State to such an absurd classification. As already pointed out, the classification has to be based, as is well settled, on some rational principle and the rational principle must have nexus to the objects sought to be achieved. We do not find any reason and rational on record subjecting the petitioner and alike to differential and discriminating treatment."*

12. By applying the principles laid down in the above referred judgment, if the facts of the present case are considered, it is evident that in this case also two classes are created amongst the pensioners i.e. pre 01/01/2016 and post 01/01/2016. For the pensioners post 01/01/2016, two options are made available for revision of pension whereas only one option is made available to the pensioners, who retired before 01/01/2016.

13. On a specific direction of this Court, vide order dated 05/12/2025, to justify the nexus to the object sought to be achieved, the affidavit which is filed on record, does not justify such classification except pointing out the reason of current financial situation in this State.

14. We do not accept such justification. Thus, we are of the opinion that nothing is brought on record to justify such classification and therefore, it

cannot be said that it is based on intelligible differentia and it has any rationale nexus to the object sought to be achieved. Thus, we have no hesitation to hold that, such classification is arbitrary and amounts to discriminatory treatment to the pensioners, who are superannuated before 01/01/2016.

15. In that view of the matter, we pass the following order:

(i) The writ petition is allowed.

(ii) The Government Resolution dated 24/01/2019 is set aside to the extent not making available both the formulation as recommended by Central Pay commission to the pensioner who retired after 01/01/2016.

(iii) It is directed that both the formulations, as available to the pensioners, who retired after 01/01/2016, shall be made applicable to the employees who retired prior to 01/01/2016.

(iv) The petitioner is at liberty to give option in light of two formulations and in case, such option is submitted by the petitioner within six weeks from today, the respondents shall calculate the revised pension of the petitioner and pay the amount of difference between the amount already paid and the amount which is payable after re-determination of such pension, within six months from the date of giving of the option by the petitioner.

Rule is made absolute in aforesaid terms with no order as to costs. Pending applications, if any, also stand disposed of.

[RAJ. D. WAKODE, J] [ANIL S. KILOR, J.]

Namrata