



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

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CORAM
THE HON'BLE MR JUSTICE P. VELMURUGAN
AND
THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

WP.No. 31735 of 2023
and WMP.No. 31367 of 2023

1. Union of India,
Rep. by The Secretary, Ministry of Railways,
Railway Board, Government of India,
New Delhi- 110 001.
2. The Sr.Accounts And Financial
Advisor / W And S / Ponmalai, Trichy-4.
3. The Workshop Personnel Officer,
Golden Rock Workshop, Ponmalai, Trichy-4.

..Petitioner(s)

Vs

1. R.Manickam
2. The Registrar
The Central Administrative Tribunal,
Chennai Bench, Chennai- 600 104.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records from the file of the 2nd Respondent in O.A. No.1865 of 2016 dated 24.03.2023 and quash the same.

For Petitioner(s): Mr.C.Kulanthaivel, Senior Panel Counsel

For Respondent(s): Mrs.N.R.Jasmine Padma for R1



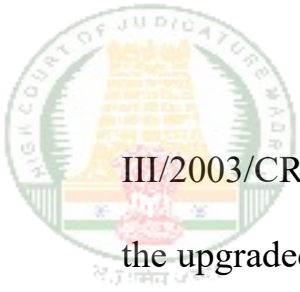
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ORDER
(Order of the Court was made by P.VELMURUGAN,J.)

This Writ Petition is filed challenging the order passed by the Central Administrative Tribunal, re-fixing the 1st respondent's basic pension together with all consequential benefits and arrears.

2.The brief facts of the case is that the 1st respondent herein was appointed as Khalasi in the year 1963 and thereafter, he was promoted to various posts and subsequently retired on 30.09.1996 on attaining the age of superannuation. At the time of retirement, he was holding the post of Mistry in the pay scale of Rs.1400-2300 (IV Pay Commission), which is equivalent to the pay scale of Rs.4500-7000 as per V Pay Commission. The 1st respondent has sought for upgradation of his pay scale from Rs.4500-7000 to Rs.5000-8000 based on the DOP&PW OM dated 28.01.2013. However, since the petitioners have not considered his request, the 1st respondent filed an Original Application in O.A.No.1865 of 2016, which came to be allowed on 24.03.2023 with a direction to the petitioners to re-fix the basic pension and also to grant all consequential benefits.

3.The learned Senior Panel Counsel for the petitioners submitted that since the 1st respondent has retired on 30.09.1996 prior to the implementation of upgradation of pay scales, i.e., with effect from 01.11.2003 vide Railway Board Letter No.PC-



III/2003/CRC/6, dated 09.10.2003, he cannot seek for re-fixation of his pay scale in the upgraded scale of pay. He further submitted that the cut-off date mentioned is for the benefit of restructuring, which is restricted to the employees who were in service as on 01.11.2003 and since the 1st respondent has already retired from service, the said benefit is not applicable to the 1st respondent.

4.The learned counsel for the 1st respondent placed reliance on the Circulars dated 24.11.1998, 09.10.2003 and 28.01.2013 and submitted that the post of Mistry held by the 1st respondent has been redesignated as Supervisor and thereafter as Junior Engineer Grade-II. Since the post of Mistry has been redesignated, the pay scale of the said post also has to be revised and re-fixed as the per the recommendations of the V and VI Pay Commissions. For this purpose, the learned counsel placed reliance on the decision of the Punjab and Haryana High Court at Chandigarh in the case of *Agia Ram and Others Vs. Union of India and Others passed in CWP.No.9581 of 2011, dated 24.08.2011.*

5.Heard the learned Senior Panel Counsel for the petitioners and the learned counsel for the 1st respondent.

6.The point that arises for consideration in the present case is whether the 1st respondent, who retired from service on 30.09.1996 as Mistry in the pay scale of Rs.1400–2300 (IV Pay Commission), is entitled to seek re-fixation of his pension on



the basis of the upgraded pay scale subsequently granted to the re-designated post of Supervisor/Junior Engineer Grade-II pursuant to the cadre restructuring implemented by the Railway Board with effect from 01.11.2003. Admittedly, the said restructuring and upgradation of the pay scale came into force long after the 1st respondent had retired from service. The contention of the petitioners is that the benefit of such restructuring is applicable only to those employees who were in service as on the date of its implementation and therefore cannot be extended to a person who had already retired from service. On the other hand, the 1st respondent contends that the post of Mistry held by him has subsequently been re-designated as Supervisor and thereafter as Junior Engineer Grade-II and therefore, his pension requires to be revised by taking into account the corresponding revised pay scale.

7.The Tribunal, while considering the claim of the 1st respondent, placed reliance on the decision of the *Agia Ram v. Union of India* (supra), wherein it was held that when a post is re-designated and placed in a higher scale, such change cannot be treated as a mere cosmetic alteration and the benefit flowing from such revision cannot be denied solely on the ground that the employees had retired prior to the restructuring. The relevant portion of the said judgment reads as follows:-

“4. From the aforesaid facts, it is clear that the post of Mistry-cum-Supervisor has acquired new name of Junior Engineer-II, which was also in the same scale of



1400- 2300, in the pre-revised pay scale. However, the case of the respondent was that on the restructuring the pay scale granted to the post of Junior Engineer-II because it would be available only to the Mistry-cum-Supervisor who are working as such and has enjoyed the designation of Junior Engineer- II.

5. Having heard learned counsel for the parties, we are of the considered view that once the post of Mistri-cum-Supervisor has acquired a new nomenclature and it has also been given higher scale of pay then the cosmetic cover which has been put forward by the respondent cannot be permitted to hide the real face of the erstwhile Mistri/supervisor. For all instants and purposes, they would all be treated as Junior Engineer-II. Once the pay scale of the post of Mistri/supervisor is deemed to be revised then their pension is also be required to be re-fixed w.e.f. 1.11.2003.

6. As a sequel to the above discussion, the writ petition is allowed. The judgment of the Tribunal is set aside. It is directed that respondents shall re-fix the pay of the petitioners in the pay scale of ` 5000-800 by treating them under new nomenclature given to the post of Mistry-cum-Supervisor i.e. Junior Engineer-II. Accordingly, their pension be revised w.e.f. 01.11.2003. However, arrears of pension shall be confined to three years from the date preceding the date of filing of the original application i.e. November, 2009.”



8. Taking note of the above principle, the Tribunal came to the conclusion that the petitioners had erred in fixing the pension of the 1st respondent with reference to Pay Band-I with Grade Pay of Rs.2800/-, instead of considering the corresponding revised scale applicable to the re-designated post in Pay Band-II (Rs.9300–34800) with Grade Pay of Rs.4200/-. Accordingly, the Tribunal directed the petitioners to re-fix the pension of the 1st respondent with reference to the revised pay structure with effect from 01.01.2006 and to grant the consequential benefits. Having considered the submissions made on either side and the materials placed on record, we do not find any reason to interfere with the order passed by the Tribunal in the facts and circumstances of the case.

9. In view of the above, the Writ Petition stands dismissed. In view of the dismissal of the Writ Petition, the petitioners are directed to comply with the order passed by the Tribunal in O.A.No.1865 of 2016, dated 24.03.2023, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(P.V.,J.) (K.G.T.,J.)
02-04-2026

Index: Yes/No
Speaking/Non-speaking order
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To

The Registrar,
The Central Administrative Tribunal,
Chennai Bench, Chennai- 600 104.



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AND
K.GOVINDARAJAN THILAKAVADI,J.

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