



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

RESERVED ON : 21-01-2026

PRONOUNCED ON : 19-02-2026

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**CORAM**

**THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN  
AND**

**THE HON'BLE MR JUSTICE K.KUMARESH BABU**

WP No. 34824 of 2023

and

WMP No.34831 of 2023

1. Union of India

Rep. by the Secretary,

Ministry of Personnel

PG and Pension,

Department of Pension & Pensioner's Welfare,

Government of India,

New Delhi - 110 001.

2. Secretary

Ministry of Communications & IT,

Department of Posts,

Dak Bhawan, Sansad Marg,

New Delhi - 110 001.

3. The Chief Postmaster General

Tamil Nadu Circle,

Anna Salai, Chennai 600 002



4. The Senior Accounts Officer / PEN CELL

O/o. The General Manager,

Postal Accounts & Finance,

Tamilnadu Circle, Chennai 600 008

..Petitioner(s)

Vs

1. The Registrar,

Central Administrative Tribunal,

Madras Bench High Court Building,

Chennai – 104.

2. B.Eruthayakamalanathan

3. P.Ravi

4. K.D. Damodara Venkatachalapathy

5. C.Balasekar (deceased)

6. R. Ganesan

7. G Balasubramanian

8. A. Dhanalakshmi

9. R.Natarajan

10.R.Vasantha

11.M.A. Mariappan

12.M. Alamelu @ Mythili

13.V.Gurusamy

14.P.Sachidanandam (deceased)

15.M.Thirumaran

16.B.Jayanthi



- 17.Venkatesh Balaseharan
- 18.B.Thangapandian Balaseharan
- 19.S.Punithavalli
- 20.Palanivelu
- 21.Shanmugasundaram
- 22.Veeramani
- 23.Singamani
- 24.Meenachisundari

R16 to R18 are substituted as LR's of deceased R5 and R19 to R24 are substituted as LR's of deceased R14 vide order dated 08.01.2026 made in WMP No.16579 of 2024 in WP No.34824 of 2023 by CVKJ & KBJ.

..Respondent(s)

This Writ Petition filed under Article 226 of the Constitution of India, in the nature of Writ of Certiorari, calling for the records of the Tribunal in its impugned order dated 22.12.2022 in OA No 576 / 2017 passed by the 1<sup>st</sup> Respondent, Central Administrative tribunal Madras Bench and to quash the same.

|                    |                                                                      |
|--------------------|----------------------------------------------------------------------|
| For Petitioner(s): | Mr. K.Srinivasa Murthy,<br>Senior Panel Counsel (Central Government) |
| For Respondent(s): | Mr.R. Malaichamy for R2 to R24<br>R1-Tribunal.                       |

**ORDER****(Order of the Court was made by C.V.Karthikeyan J.)**

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The respondents in O.A.No.576 of 2017 on the file of the Central Administrative Tribunal, Chennai Bench, aggrieved by the order dated 22.12.2022 are the writ petitioners herein.

2.O.A.No.576 of 2017 had been filed by the 2<sup>nd</sup> to 15<sup>th</sup> respondents, seeking a direction to refix their pension from 01.01.2006 by applying the principle of full parity with those employees who had retired from service after 01.01.2006.

3.During the pendency of the writ petition, the 5<sup>th</sup> and 14<sup>th</sup> respondents died and their legal representatives have been impleaded as 16<sup>th</sup> to 24<sup>th</sup> respondents.

4.The 2<sup>nd</sup> to 15<sup>th</sup> respondents in the writ petition were initially appointed in the Post and Telegraph Department and later, on incorporation of BSNL in the year 2000, they had given their willingness to join BSNL and had also been absorbed in BSNL as fresh candidates. They were, however, granted permission to opt for pension against the services rendered by them in the Postal Department. They had all attained the age of superannuation prior to 01.01.2006



after rendering less than 33 years of service. It had been contended by them that upon recommendations of the 6<sup>th</sup> Central Pay Commission, the pro-rata reduction of pension for less than 33 years of service on Voluntary Retirement after 20 years of service had been dispensed with and there was also dispensation of the provision of five years of weightage. This scheme was implemented only with respect to those who retired after 01.01.2006.

5.Claiming disparity, the Original Application had been filed before the Tribunal. The Tribunal examined the Office Memorandum dated 06.04.2016 and held that it was not in dispute that the said Office Memorandum dated 06.04.2016, extended benefits to those who had rendered service even less than 33 years and therefore, directed that revised pension payment orders must be issued and allowed the Original Application.

6.Aggrrieved by the said directions, the respondents herein had filed the present writ petition.

7.It had been contended on behalf of the writ petitioners that the respondents were initially employed in the Post and Telegraph Department and on incorporation of BSNL in the year 2000 had exercised their option to join BSNL. They had retired on attaining the age of superannuation on or before 01.01.2006. They had put in less than 33 years of service, which was the



qualifying service for grant of full pension. However, on introduction of the 6<sup>th</sup> Central Pay Commission, pro-rata reduction of pension had been dispensed with. Orders had been issued by the Government, after examining the representations received to fix the pension of those employees who retired prior to 01.01.2006 and it was determined that the revised pension shall not be lower than 50% of the minimum of pay band and grade pay, corresponding to the pre-revised pay scale, as per fitment table, without pro-rata reduction of pension. In this connection, an Office Memorandum had been issued on 06.04.2016.

8.It was therefore contended by the learned Senior Panel Counsel for the writ petitioners that the anomalies complained by the respondents had been set right by issuance of the Office Memorandum dated 06.04.2016 and that therefore, they were not eligible for any revised pension. It was therefore contended that the writ petition should be allowed and the directions of the Tribunal should be set aside.

9.The learned counsel for the respondents, however, contended that the claim of the respondents that they should be treated equally with those who had retired after 01.01.2006 was justified and there was no reason to place them on a different scale. It was contended that they have only sought the implementation of the 6<sup>th</sup> Central Pay Commission, which had dispensed with pro-rata reduction pension. The learned counsel stated that the Tribunal had considered all factors and had correctly allowed their Original Application and urged that no ground had been made to warrant interference by this Court on the said order.



10. We have carefully considered the arguments advanced and perused the material records.

11. The fact that the respondents had initially joined in Post and Telegraph Department and later, on incorporation of BSNL in the year 2000, had opted to join BSNL, is a fact which is admitted by both sides. The respondents had retired on attaining the age of superannuation on or before 01.01.2006. The period of service of the 2<sup>nd</sup> to 15<sup>th</sup> respondents are as follows:

| Respondent No. | Period of service rendered |
|----------------|----------------------------|
| 2              | 22 and 1/2 years           |
| 3              | 21 and 1/2 years           |
| 4              | 29 and 1/2 years           |
| 5              | 31 and 1/2 years           |
| 6              | 25 and 1/2 years           |
| 7              | 31 and 1/2 years           |
| 8              | 21 and 1/2 years           |
| 9              | 31 years                   |
| 10             | 25 and 1/2 years           |
| 11             | 32 years                   |
| 12             | 28 and 1/2 years           |
| 13             | 28 years                   |
| 14             | 26 and 1/2 years           |
| 15             | 22 years                   |



12. It is seen from the said tabulation that the respondents had put in less than 33 years of service. As per the position which prevailed till 31.12.2005 the end of the 5<sup>th</sup> Central Pay Commission, there was pro-rata reduction of pension. However, the 6<sup>th</sup> Central Pay Commission had dispensed with the pro-rata reduction of pension for service less than 33 years and for Voluntary Retirement after 20 years of service. The provision of 5 years of weightage had also been dispensed with. This benefit which had been extended under the 6<sup>th</sup> Central Pay Commission was sought to be extended to those who had retired even prior to 01.01.2006. In this connection, Office Memorandum dated 06.04.2016 had been issued by the Government.

13. The crucial revision brought in, with respect to payment of pension, was as follows:

*“6. The matter has been examined in consultation with the Ministry of Finance (Department of Expenditure). It has now been decided that the revised consolidated pension of pre-2006 pensioners shall not be lower than 50% of the minimum of the pay in the Pay Band and the grade pay (wherever applicable) corresponding to the pre-revised pay scale as per fitment table without pro-rata reduction of pension even if they had qualifying service of less than 33 years at the time of retirement. Accordingly, Para 5 of this Department's OM of even number dated 28.01.2013 would stand deleted. The arrears of revised pension would be payable with effect from 01.01.2006.”*



14. It had been further directed that the pension of those who retired prior to 01.01.2006 shall not be lower than 50% of the minimum of the pay in the pay band and grade pay (wherever applicable) corresponding to the pre-revised pay scale as per fitment table without pro-rata reduction of pension. This was permissible even if they had qualifying service of less than 33 years at the time of retirement.

15. The Government had thereafter introduced two methods for calculating pension in a subsequent Office Memorandum dated 12.05.2017. Unfortunately, the Tribunal had failed to take all those developments into consideration. Under this Office Memorandum dated 12.05.2017, it had been provided as follows:

*4. The aforesaid Committee has submitted its Report and the recommendations made by the Committee have been considered by the Government. Accordingly, it has been decided that the revised pension/family pension w.e.f. 01.01.2016 in respect of all Central civil pensioners/family pensioners, including CAPF's, who retired/died prior to 01.01.2016, may be revised by notionally fixing their pay in the pay matrix recommended by the 7th CPC in the level corresponding to the pay in the pay scale/pay band and grade pay at which they retired/died. This will be done by notional pay fixation under each intervening Pay Commission based on the*



*Formula for revision of pay. While fixing pay on notional basis, the pay fixation formulae approved by the Government and other relevant instructions on the subject in force at the relevant time shall be strictly followed. 50% of the notional pay as on 01.01.2016 shall be the revised pension and 30% of this notional pay shall be the revised family pension w.e.f. 1.1.2016 as per the first Formulation. In the case of family pensioners who were entitled to family pension at enhanced rate the revised family pension shall be 50% of the notional pay as on 01.01.2016 and shall be payable till the period up to which family pension at enhanced rate is admissible as per rules. The amount of revised pension/family pension so arrived at shall be rounded off to next higher rupee.*

*5. It has also been decided that higher of the two Formulations i.e. the pension/family pension already revised in accordance with this Department's OM No. 38/37/2016-P&PW(A) (ii) dated 04.08.2016 or the revised pension/family pension as worked out in accordance with para 4 above, shall be granted to pre-2016 central civil pensioners as revised pension/family pension w.e.f. 01.01.2016. In cases where pension/family pension being paid w.e.f. 1.1.2016 in accordance with this Department's OM No. 38/37/2016-P&PW(A) (ii) dated 04.08.2016 happens to be more than pension/family pension as worked out in accordance with para 4 above, the pension/family pension already being paid shall be treated as revised pension/family pension w.e.f. 1.1.2016.*

*7. Accordingly, for the purpose of calculation of notional pay w.e.f. 1.1.2016 of those Government servants who retired or died before 01.01.1986, the pay scale and the notional pay as on 1.1.1986, as arrived at in terms of the instructions issued vide this*



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*Department's OM 45/86/97-P&PW(A) dated 10.02.1998, will be treated as the pay scale and the pay of the concerned Government servant as on 1.1.1986. In the case of those Government servants who retired or died on or after 01.01.1986 but before 1.1.2016, the actual pay and the pay scale from which they retired or died would be taken into consideration for the purpose of calculation of the notional pay as on 1.1.2016 in accordance with para 4 above.*

16.It is not the case of the 2<sup>nd</sup> to 15<sup>th</sup> respondents that they had not been extended with the benefits introduced under the Office Memorandum dated 06.04.2016 or the Office Memorandum dated 12.05.2017.

17.The learned Senior Panel Counsel appearing for the petitioners had also produced a tabular column indicating the pension which has now been granted to the respondents. A perusal of the same shows that the higher amount had been granted to the respondents. To take one example, with respect to the 2<sup>nd</sup> respondent, B. Eruthayakamalanathan, the pension authorized at the time of retirement was Rs.4,104/-. Due to the clarificatory Office Memorandum issued under the Office Memorandum dated 01.09.2008 his pension had been refixed at Rs.6,184/-; under the Office Memorandum dated 28.01.2013 his pension had been refixed at Rs.3,808/-; and under the Office Memorandum dated 06.04.2016 his pension had been refixed at Rs.5,586/-. The writ petitioners had taken the highest amount and had fixed his admissible revision pension w.e.f 01.01.2006 to 31.12.2015 at Rs.6,184/-.



18.The contention of the respondents that they are eligible for a higher pension has to be negated by us since the writ petitioners have calculated the pension in accordance with the Office Memorandum dated 06.04.2016 and 12.05.2017. Those Office Memorandums have not been challenged by the respondents herein. They are therefore bound by those stipulations. They have not raised an issue that the calculation, as presented, had been wrongly calculated or the benefits which are extendable to them have not been extended.

19.We therefore hold that the order of Tribunal requires interference. The order in OA No 576 of 2017 dated 22.12.2022 is set aside. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

**(C.V.K.,J.) (K.B.,J.)**  
**19-02-2026**

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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WP No. 34824 of 2



To

The Registrar,  
Central Administrative Tribunal,  
Madras Bench High Court Building,  
Chennai – 104.



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WP No. 34824 of 2



**C.V.KARTHIKEYAN, J.  
AND  
K.KUMARESH BABU, J.**

smv

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