



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

**CWP No.8722 of 2025
Date of Decision: 21.04.2025**

Union of India and others

...Petitioners

Versus

Karnender Singh and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Ms. Promila Nain, Senior Panel Counsel, UOI,
for the petitioners.

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SANJEEV PRAKASH SHARMA J.(Oral)

The present writ petition has been filed assailing the order dated 18.08.2023 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal (hereinafter to be referred as 'AFT') whereby the AFT has directed the petitioners to consider the case of respondent No.1 for fixation of pay and allowances @ Rs.8,560/- per month w.e.f 01.06.2006 onwards instead of Rs.7,630/- as per recommendations of 5th Central Pay Commission in the light of the judgment rendered in *Kultar Singh Chauhan's* case.

2. Admittedly, the judgment passed in *Kultar Singh Chauhan's* case has attained the finality up to the Apex Court. However, learned counsel appearing for the petitioners submits that the instant case would have to be examined in terms of the subsequent circular issued by the Department dated 25.03.2021.

3. We find that the submission of the petitioners on the annual provisions of 6th Central Pay Commission are found to be without basis.



4. It is an admitted position that the original applicant-respondent had been promoted prior to 01.01.2006 and was fixed at the pay of Rs.7,630/- with Grade Pay of Rs.2,800/- per month after the coming into force of 6th Central Pay Commission while person junior to him who had been directly recruited after 01.01.2006 started getting a higher pay in the same pay band. The recommendations of the 6th Central Pay Commission Report specifically are provided as under:-

“(e) That in addition to that as per recommendations of 6th Central Pay Commission report “in cases where a senior promoted to a higher rank before the 1st day of January, 2006 draws less pay in the revised pay structure than his junior who is promoted to the higher rank on or after the 1st day of January, 2006, the pay in the pay band of the senior should be stepped up to an amount equal to the pay in the pay band as fixed for his junior in that higher rank”

(f) That hence, as per recommendation of 6th Central Pay Commission Pay and allowances of the petitioner required to be fixed either @ Rs.8,560/- pm, whereas the Basic Pay of the petitioner have been fixed @ Rs.7,630/- per month and due to this very reasons, the petitioner is getting less pay and allowances in comparison to the person who was promoted to the rank of Havildar as on 01.01.2006. As such the Basic Pay of the petitioner was required to be fixed minimum @ Rs.8,560/- pm w.e.f. 01.01.2006, whereas his pay has been fixed by taking into account @ Rs.7,630/- which is less than as per the recommendation of 6th Central Pay Commission”.

5. In view of the afore-said provisions, the original applicant was required to fix the pay at the minimum of Rs.8,560/- w.e.f. 01.01.2006, i.e



the salary which his juniors were getting. In our opinion, direct entry of the concerned Havildar, would not deprive the right of applicant who was promoted prior to 01.01.2006. The view has been already stated in the earlier judgment ***Kultar Singh Chauhan's*** case which has been upheld by the Apex Court. Issuing of circulars by the Department to deprive similarly situated persons will have to be ignored. The order passed by the AFT, therefore, does not warrant any interference.

6. Accordingly, the present petition is dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

April 21, 2025
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*