



**CWP-15577-2016 (O&M) -1-
& connected cases**

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

202 (04 cases)

**CWP-15577-2016 (O&M)
Date of Decision :28.08.2025**

Union of India & others

..Petitioners

Versus

**Central Administrative Tribunal, Chandigarh Bench
and others**

...Respondents

CWP-16322-2016 (O&M)

Union of India & others

..Petitioners

Versus

**Central Administrative Tribunal, Chandigarh Bench
and others**

...Respondents

CWP-16327-2016 (O&M)

Union of India & others

..Petitioners

Versus

**Central Administrative Tribunal, Chandigarh Bench
and others**

...Respondents

CWP-16328-2016 (O&M)

Union of India & others

..Petitioners

Versus

Central Administrative Tribunal, Chandigarh Bench



**CWP-15577-2016 (O&M) -2-
& connected cases**

and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Parvesh K. Saini, Senior Panel Counsel
for the petitioners-UOI in all petitions.

Mr. Vikas Singh, Advocate for
respondents No.17,18 and 83 in CWP-16322-2016.

Mr. J.S. Chahal, Advocate for respondent No.2
in CWP-15577-2016.

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Harsimran Singh Sethi, J. (Oral)

1. In the present bunch of four petitions, the details of which are mentioned in the heading, the challenge is to the same order dated 01.09.2015 (Annexure P/1) passed by the Central Administrative Tribunal, Chandigarh Bench (for short, 'the Tribunal') whereby, a direction has been given to the petitioners herein that the respondents-employees herein, who had retired before 01.01.1996 from service in the pay scale of Rs.1400-2300/- are entitled for fixation of their pensionary benefits in the pay scale of Rs.5000-8000/- instead of Rs.4500-7000 w.e.f. 01.01.1996 as was being granted to the respondents herein on the ground that the same is perverse.

2. Learned counsel for the petitioners-UOI submits that after the issuance of Instructions dated 16.10.1997 by which, the Railway Services (Revised Pay) Rules, 1997 (for short, '1997 Rules') were issued to be applicable w.e.f. 01.01.1996, the pay scale of Rs.1400-2300/- was revised to the pay scale of Rs.4500-7000/- and hence, by wrongly considering the schedule mentioned in the 1997 Rules, the pension of the respondents was fixed in the pay scale of Rs.5000-8000/- and after the said mistake was



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detected, their pension was sought to be fixed in the correct pay scale of Rs.4500-7000/-, which action was challenged by the respondents-employees before the Tribunal and the Tribunal vide order dated 01.09.2015 (Annexure P/1) has held that the admissible revised pay scale to the post held by the respondents at the time of their retirement is Rs.5000-8000/- and hence, the benefit of pension should be granted to the employees concerned, who were getting the unrevised pay scale of Rs.1400-2300/- in the pay scale of Rs.5000-8000/-.

3. Learned counsel for the petitioners submits that the schedule though was misleading but, the action of the petitioners in refixing the pension of respondents in the pay scale of Rs.4500-7000/- was perfectly valid and should not have been disturbed by the Tribunal and hence, the impugned order 01.09.2015 (Annexure P/1) is liable to be set aside.

4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. On being asked to confirm whether the officials, who were in service on a particular post having the unrevised pay scale of Rs.1400-2300/-, were given the benefit of revision of pay scale of Rs.4500-7000/- or Rs.5000-8000/-, learned counsel for the petitioners concedes that the employees who were working in a particular cadre with the unrevised pay scale of Rs.1400-2300/-, were given the benefit of pay scale of Rs.5000-8000/- starting from 01.01.1996.

6. That being so, once the post on which the respondents were working in an unrevised pay scale of Rs.1400-2300/- and the pay scale of the said post was revised to Rs.5000-8000/- then how can the pension be



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fixed in the pay scale of Rs.4500-7000/-.

7. Learned counsel for the petitioners argues that there was some ambiguity as the pay scale was mentioned in the schedule in S-8 and both the pay scales were given the revised pay scale of Rs.4500-7000/-.

8. It may be noticed that pay scale as was defined in the schedule is as under:-

Scale No.	<u>Present Scale</u>	<u>Revised Scale</u>
S-8	(a)1350-30-1440-40 1800-50-2200	4500-125-7000
S-9	(b)1400-40-1800-50-2300 (a)1400-40-1600-50 2300-60-2600 (b)1600-50-2300-60-2660	5000-150-8000

9. A bare perusal of the above would show that once S-8 (b) and S-9 (a) were bracketed even in the schedule and were given the pay scale of Rs.5000-8000/-, hence the respondents could not have been given the pay scale of Rs.4500-7000/- to the respondents for fixing their pension on the ground that the same was the pay scale of S-8 (a) and the post was mentioned as S-8 (b). The intention should have been seen along with the factual depiction. In order to clarify, S-8(b) and S-9(a) were bracketed together to be granted a particular pay scale which was Rs.5000-8000/-, which fact has not been rebutted by the learned counsel for the petitioners.

10. In order to fortify the said opinion, the counsel for the petitioners has conceded that the employees who were working in the unrevised pay scale of Rs.1400-2300/-, were given the pay scale of Rs.5000-8000/-, the respondents themselves conceded that the revised pay scale of unrevised pay scale of Rs.1400-2300/- is Rs.5000-8000/- and not Rs.4500-



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7000/-. Hence, giving of the direction by the Tribunal vide order dated 01.09.2015 (Annexure P/1) that the pension of the respondents should be fixed in the pay scale by considering that the post from which the petitioners were retired is in the pay scale of Rs.5000-8000/- is perfectly valid and legal.

11. Learned counsel for the petitioners has placed reliance upon the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.3174-2006 titled as K.S. Krishnaswamy etc. Vs. Union of India and another, decided on 23.11.2006*** to contend that whatever has been granted by the instructions, the Court cannot grant more than the same.

12. It may be noticed that the respondents have been granted the benefit which have been granted by the instructions and that is why, the same have been reproduced hereinbefore to show that the pay scale of Rs.1400-2300/- was revised to Rs.5000-8000/- and not to Rs.4500-7000/- as being interpreted by the petitioners.

13. No other argument has been raised.

14. Keeping in view the facts and circumstances noticed hereinabove, no ground for interference by this Court is made out and the writ petitions are accordingly dismissed.

15. Civil miscellaneous application pending, is any, is also disposed of.

16. A photocopy of this order be placed on the file of connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

August 28, 2025
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No