



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

203

Date of Decision: 04.09.2025

CWP-9380-2017

J.D. SANDHU

...Petitioner

Versus

THE CENTRAL ADMINISTRATIVE TRIBUNAL, CHANDIGARH
BENCH, THROUGH ITS REGISTRAR AND ORS

...Respondent

CWP-9381-2017

J.D. SANDHU

...Petitioner

Versus

THE CENTRAL ADMINISTRATIVE TRIBUNAL, CHANDIGARH
BENCH, THROUGH ITS REGISTRAR AND ORS

...Respondent

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

Present:- Mr. Ankit Joshi, Advocate, Legal Aid Counsel,
for the petitioner.

Mr. Parveen Chander Goyal, Advocate,
for respondent Nos.2 and 3.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. By this order, we propose to dispose of the above-mentioned two writ petitions as the issue involved therein is the same and for the sake of convenience, the facts are being taken from CWP-9380-2017.

2. In the present petition, the challenge is to the order dated 25.10.2016 passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'Tribunal') and order dated 27.01.2017 passed in review petition, by which, the Original Application has



been disposed of with a direction that pension of petitioner be fixed in view of the fitment table annexed to Circular dated 28.01.2013, and the said pension be not less than 50% of minimum of the revised pay-scale plus grade pay and the petitioner be paid arrears of pension due to him.

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner has not been granted the pay-scale of Income Tax Officer (for short 'ITO'), which pay-scale was made applicable from 01.01.2006 which would allow for fixation of his pay along with the pension in the said revised pay-scale. Hence, the respondents are liable to be directed to grant the benefit of said pay-scale to the petitioner by setting aside the impugned order passed by the Tribunal.

4. Learned counsel appearing on behalf of the respondents submits that the petitioner was not in service as on 01.01.2006 which could allow for fixation of his salary and pension in the revised pay-scale, whereas his pension is to be fixed by taking into consideration the fitment table annexed to Circular dated 28.01.2013 and guidance of Ministry of Finance.

5. We have heard learned counsel for this parties and have gone through the case with their able assistance.

6. It may be noticed that the petitioner had retired from service on attaining the age of superannuation on 31.05.2005. That being so, he could not have been granted the benefit of revised pay-scale, which has been granted to the employees working on post of ITO w.e.f. 01.01.2006, i.e. the post from which the petitioner retired. It is a conceded fact that the petitioner was not in service as of on 01.01.2006 hence, the only claim which could have been raised by the petitioner is for fixing his pension in



accordance to the revision of the pay-scale with effect from 01.01.2006, so that the same is not less than 50% of the minimum of the pay-scale plus grade pay in the revised pay-scale of the post of ITO as applicable from 01.01.2006 keeping in view guidelines of Ministry of Finance. The same finding has been given by the Tribunal that the same has to be complied with and the pension of the petitioner be fixed in accordance with the notification issued by the Government of India qua implementation of revised pay-scale w.e.f. 01.01.2006 for fixing the pay or the pension as the case may be and the pension has to be more than the 50% of the minimum of the pay-scale plus grade pay as prescribed for the post of ITO, as per revised pay-scale with effect from 01.01.2006.

7. Nothing has been brought to the notice of this Court to show as to how the petitioner's pension is revised pay-scale of ITO, which is to be revised from 01.01.2006 has been fixed as petitioner had already retired on 31.05.2005.

8. Keeping in view the above, directions are given to the respondents to look into as to whether the pension of the petitioner was re-fixed w.e.f. 01.01.2006 keeping in view the revised pay-scale given to the post from which the petitioner had retired on 31.05.2005 or not. In case the said benefit has not been given, the same be extended to the petitioner along with arrears of re-fixing his pension in the revised pay-scale of the post from which the petitioner retired, as applicable, from 01.01.2006 within a period of eight weeks from the date of receipt of copy of this order.

9. Qua the other writ petition (CWP-9381-2017), wherein the order under challenge is order dated 02.11.2016 passed by the Tribunal, by



which the said Original Application was dismissed on the ground that on the same cause of action an earlier Original Application bearing No.060/00531/2016 had already been dismissed on 20.01.2016 on the ground of delay and laches, which OA was withdrawn by the petitioner to file a review application in the said OA, which review application was dismissed on 03.02.2017, copy of which has been annexed on page No.22 of the paperbook along with the aforementioned writ petition.

9.1 It may be noticed that the order dated 20.01.2016, which was dismissed on the ground of delay and laches, has never been challenged by the petitioner, though the order dated 03.02.2017 passed in review application is being challenged at the hands of petitioner. Once, the petitioner did not raise any grievance with regard to his promotion while being in service, the same could not have been raised after years of his retirement, especially when delay in raising such grievance after such inordinate delay was not explained.

9.2 Learned counsel for the petitioner has not been able to show as to how the writ petition was maintainable after such a delay after retirement from service and that too, while seeking the service benefits which are only admissible during the service period. Hence, no ground is made out for any interference at hands of this Court especially when the order dated 20.01.2016, by which the Original Application was initially dismissed on the ground of delay and laches, has never been challenged in the present writ petition.

10. No other argument has been raised.

11. In the absence of any perversity being pointed out in the order



dated 25.10.2025 passed by the Tribunal, no ground is made for interference by this Court. The writ petitions are accordingly dismissed.

12. Photocopy of this order be placed on the file of connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 04, 2025
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Whether speaking/reasoned	Yes
Whether reportable	No