



CWP-2899-2024 (O&M)

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

CWP-2899-2024 (O&M)

Date of Decision: 08.07.2025

UNION OF INDIA AND ANOTHER

. . . . Petitioners

Vs.

CENTRE ADMINISTRATIVE TRIBUNAL CHD BENCH AND ANR

. . . . Respondents

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

Present: Mr. Sudhir Nar, Sr. Panel Counsel
for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The challenge is to the order dated 08.05.2023 passed by the Central Administrative Tribunal (CAT) whereby the OA filed by the applicant (respondent No.2 herein) was allowed, and the writ petitioner/Union of India was directed to re-determine the pension and other retiral benefits with effect from 01.12.2017 treating the last pay as Rs.66,000/- and to refund the recovered amount of Rs.2,70,392/- to the applicant/respondent No.2.
2. Learned counsel submits that the last pay of respondent No.2 was wrongly fixed at Rs.66,000/- and the same was therefore corrected vide order dated 13.11.2018 to Rs.64,100/- as the last pay drawn. The order passed by the CAT, therefore deserves to be set aside.



3. We have carefully gone through the order passed by the learned CAT, and also with the orders of the pay fixation. We notice that originally when respondent No.2 retired, his last pay was revised on the basis of objections raised by the Accounts Department from Rs.66,000/- to Rs.62,200/- on the basis that as on 01.01.1996, he was drawing the pay in the pay scale of Rs.4000-6000/- and not Rs.5000-8000/-. The order of revision was passed by the Senior Divisional Personnel Officer on 21.11.2017. The said order was however modified by the same office, and after noticing that the respondent No.2 had been promoted as TTI in Grade of Rs.5500-9000/- with effect from 01.11.2003 and accordingly his last pay was again revised to Rs.66000/- by the office of Senior Divisional Personnel Officer Northern Railway, Ambala Cant. However, the said order was again revised by the subordinate officer, namely Divisional Personnel Officer, and last pay was reduced to Rs.64,100/-, without there being any explanation coming forward for revising the said last pay. We also notice that no opportunity was given to the retired respondent No.2, and his pay and pension were revised accordingly the amount of Rs.2,70,392/- was recovered.
4. Taking note of all the aforesaid facts, the OA has been allowed, and the petitioners have been directed as above. We notice that the judgments in respect of pay fixation and recovery have been noticed by the CAT while passing the detailed order.
5. We had asked the concerned Divisional Personnel Officer to explain as to how he could have revised an order passed by his superior officer.



He has asserted by way of an affidavit that it is the Divisional Personnel Officer who is the Cadre Controlling Officer, and the order of 20.03.2018 was signed on behalf of Senior Divisional Personnel Officer by one Assistant Personnel Officer.

6. We notice that if such authority to revise orders of the superior officers is allowed, it would invite administrative chaos. He does not even say that he had taken any consent from his superior officers for revising the orders. Unnecessary litigation comes to the Courts on account of such arbitrary actions taken by the officers, who treat themselves as the authority in themselves. Such attitude deserves to be curtailed. We do not say anything further in this regard, and leave it for the authorities to take appropriate action.
7. We, however, do not find any reason to interfere with the order passed by the CAT. Writ Petition is devoid of merits and is accordingly dismissed.
8. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

08.07.2025

Mohit goyal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No