



2026:DHC:3702-DB



\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Judgment reserved on: 28.04.2026

Judgment pronounced on: 02.05.2026

Judgment uploaded on: 02.05.2026

+ W.P.(C) 989/2024

BHOOP NATH RAI

.....Petitioner

Through: Mr. Abhay Kumar Bhargava,
Mr. Satyaarth Sinha, Mr.
Ajinkya Dhalwade and Mr.
Sanchit Kumar, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. T.P. Singh, SPC with Mr.
Ajay Pal, Law Officer CRPF,
Inspector Athurv and Mr
Inderpal, CRPF.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T

ANIL KSHETARPAL, J.:

1. Through the present Writ Petition under Article 226 of the Constitution of India, the Petitioner challenges the order dated 22.05.2018 passed by the Revisional Authority for Central Civil Pension, whereby the claim of the Petitioner for revision of pension on the basis of the pay scale attached to the rank of Inspector has been rejected. The Petitioner consequently seeks a direction to the Respondents to re-fix his pension in accordance with the pay scale of Inspector under the CCS (Revised Pay) Rules, 1997 [hereinafter referred to as '1997 Rules'], along with all consequential benefits.



2026:DHC:3702-DB



2. The principal issue which arises for consideration in the present Writ Petition is whether the Petitioner, by virtue of holding the rank of Inspector/Radio Operator (RO) at the time of his superannuation, is entitled to fixation of pension on the basis of the higher pay scale of Rs.6500-200-10500 (S-12) under the 1997 Rules, instead of the replacement pay scale of Rs.5500-175-9000 (S-10) applied by the Respondents; and whether the Petitioner can claim consequential revision of pensionary benefits, including the benefit of the Assured Career Progression Scheme ('ACPS'), despite having retired prior to its introduction.

3. In order to appreciate the controversy involved in the present case, the relevant facts, in brief, are required to be noticed.

4. The Petitioner was enrolled in the Central Reserve Police Force ('CRPF') on 04.08.1966 and, upon earning promotions in the normal course of service, attained the rank of Inspector/RO in the year 1995. The Petitioner rendered a total qualifying service of 30 years, 06 months and 19 days and superannuated from service on 31.07.1997. At the time of retirement, the Petitioner was drawing basic pay of Rs.1,760/- in the pre-revised Fourth Central Pay Commission [hereinafter referred to as 'CPC'] pay scale of Rs.1640-60-2900, which stood replaced by the corresponding Fifth CPC pay scale of Rs.5500-175-9000 with effect from 01.01.1996.

5. The record reveals that upon superannuation on 31.07.1997, the pension of the Petitioner was authorised *vide* Pension Payment Order bearing No.239039711124. Under the said authorisation dated 28.07.1997, the Petitioner was granted superannuation pension at the



2026:DHC:3702-DB



rate of Rs.819/- per month. The pension was computed on the basis of the last pay drawn by the Petitioner in the pre-revised pay scale of Rs.1640-60-2900.

6. The Petitioner relies upon his service identity card issued on 26.06.1996, reflecting his designation as Inspector/RO, to contend that he had attained the rank of Inspector prior to retirement and was discharging duties attached to the said rank. According to the Petitioner, once the post of Inspector stood recognised as a higher supervisory rank within the force structure, pensionary fixation ought to have been aligned with the pay scale applicable to that rank under the 1997 Rules.

7. After implementation of the Fifth CPC recommendations with effect from 01.01.1996, the Respondents accordingly revised the Petitioner's pension in terms of the applicable replacement tables, and successive revisions were thereafter carried out pursuant to the Sixth and Seventh CPCs. The pension of the Petitioner ultimately stood fixed at Rs.19,350/- per month with effect from 01.01.2016.

8. The grievance of the Petitioner arose when he claimed that the rank of Inspector/RO corresponded to the higher S-12 pay scale under the 1997 Rules and that fixation of his pension on the basis of the lower replacement scale S-10 resulted in continuing financial loss. The Petitioner accordingly submitted representations before the departmental authorities seeking re-fixation of pension on the basis of rank parity along with consequential arrears.

9. The said representations were examined by the competent



2026:DHC:3702-DB



authorities, including the office of the Central Civil Pension Revisional Authority. Upon consideration of the service records and applicable pay revision orders, the Revisional Authority, *vide* order dated 22.05.2018, rejected the claim of the Petitioner, holding that pension is required to be determined with reference to the pay scale actually held at the time of retirement and not merely on the basis of rank nomenclature.

10. Aggrieved by the rejection of his claim and asserting that similarly placed officers holding the rank of Inspector were granted benefit of higher replacement scales pursuant to subsequent rationalisation exercises, the Petitioner has instituted the present Writ Petition. Learned counsel representing the parties were heard and their respective submissions are noticed hereinafter.

11. Learned counsel representing the Petitioner submits that the impugned order dated 22.05.2018 proceeds on an erroneous understanding of the 1997 Rules inasmuch as it ignores the rank held by the Petitioner at the time of retirement. It is contended that the Petitioner had already attained the rank of Inspector/RO prior to superannuation and, therefore, his pensionary benefits ought to have been determined with reference to the pay scale attached to the said rank. Reliance is placed upon the judgment of this Court in ***Lal Bahadur Singh & Ors. v. UoI & Ors.***¹

12. It is further argued that the Respondents failed to properly consider the service documents produced by the Petitioner, including the identity card and service particulars reflecting his appointment as

¹ 2000 (56) DRJ 743



2026:DHC:3702-DB



Inspector/RO. The impugned order, according to the Petitioner, proceeds mechanically without examining whether the applicable pay revision orders contemplated placement of Inspectors in the higher pay scale.

13. The Petitioner also claims entitlement to benefits under the ACPS, contending that the scheme was intended to remove stagnation in service and ought to be taken into account while determining pensionary parity, particularly where similarly situated personnel derived financial benefit under subsequent revisions. Reliance is placed upon the judgment of the Supreme Court in *Shri M.L. Patil (Dead) Through LRs v. The State of Goa and Anr.*²

14. *Per contra*, learned counsel representing the Respondents submits that pension fixation is governed by the pay scale actually held by an employee at the time of superannuation and not merely by rank nomenclature. It is contended that the Petitioner retired in the pre-revised scale of Rs.1640-60-2900, which stood replaced by the scale of Rs.5500-175-9000 (S-10) under the 1997 Rules, and therefore no illegality arises in the fixation of pension. It is further submitted that the ACPS, having been introduced after the Petitioner's retirement, is inapplicable to him.

15. This Court has considered the rival submissions advanced by learned counsel representing the parties and has perused the material placed on record.

16. The controversy involved in the present case lies within a

² Civil Appeal No.4100/2022



2026:DHC:3702-DB



narrow compass. The Petitioner does not dispute either the date of his superannuation or the pay scale in which he was actually drawing pay at the time of retirement. The core question is whether pension can be re-fixed solely on the basis of the rank nomenclature of Inspector/RO, irrespective of the pay scale in which the Petitioner stood placed on the date of superannuation.

17. It is well settled that pension is determined with reference to the last pay drawn and the pay scale actually held by the employee at the time of retirement. Pay revision rules operate through replacement scales corresponding to existing pay structures and do not automatically confer entitlement to a higher scale merely because an employee held a particular designation or rank.

18. In the present case, the record demonstrates that at the time of superannuation on 31.07.1997, the Petitioner was drawing pay in the pre-revised Fourth CPC scale of Rs.1640-60-2900. Upon implementation of the Fifth CPC with effect from 01.01.1996, the said scale stood replaced by the pay scale of Rs.5500-175-9000 (S-10). Pension fixation carried out by the Respondents is based on this admitted position.

19. The reliance placed by the Petitioner upon the service identity card dated 26.06.1996 showing his designation as Inspector/RO does not advance his case. The identity card only evidences the rank or functional designation held by the Petitioner, it does not establish placement in the higher pay scale of Rs.6500-200-10500 (S-12). In service jurisprudence, designation and pay scale are distinct concepts, and pensionary entitlement flows from the latter.



2026:DHC:3702-DB



20. No material has been produced to demonstrate that prior to retirement the Petitioner was either promoted, financially upgraded, or formally placed in the higher S-12 scale. In the absence of such placement, the Court finds no legal basis to direct pension fixation on a scale never actually drawn during service.

21. The reliance placed by the Petitioner upon the judgment in ***Lal Bahadur Singh*** (*supra*) is misplaced and does not advance his case. In the said decision, the Court was dealing with a peculiar situation where, prior to implementation of the Fifth CPC, an intervening rationalization of the pre-revised pay scale had already taken place to remove disparity between personnel of Central Police Organisations and their counterparts in the Delhi Police. Consequently, the pre-revised scale applicable to the rank of Inspector stood upgraded from Rs.1,640-2,900 to Rs.2,000-3,200, and it was this revised pre-replacement scale which legitimately attracted the higher replacement scale of Rs.6,500-10,500.

22. In the present case, however, no such rationalization or upgradation of the Petitioner's pre-revised pay scale ever occurred during his service tenure. In the absence of any executive decision upgrading the Petitioner's pre-revised scale prior to retirement, the benefit granted in ***Lal Bahadur Singh*** (*supra*) cannot be extended by analogy. The said judgment turned upon a prior structural upgradation, whereas the Petitioner seeks a deemed upgradation without any foundational policy decision.

23. The claim founded upon the ACPS is equally devoid of merit. The said scheme was introduced *vide* Office Memorandum dated



2026:DHC:3702-DB



09.08.1999, with a clear stipulation that it would operate prospectively from the date of its issuance. The Petitioner had already superannuated on 31.07.1997 and had consequently ceased to remain in active service when the scheme came into force. Financial upgradation under the ACPS was intended to address stagnation amongst serving employees and cannot be extended to persons who had demitted service prior to its introduction.

24. The reliance placed by the Petitioner on the decision in *Shri M.L. Patil (supra)* to contend that pension constitutes a continuing cause of action is misplaced. The doctrine of continuing cause safeguards the right to receive a correctly computed pension in accordance with existing rules, however, it cannot be invoked to create a vested entitlement under a financial scheme that was non-existent during the tenure of service. Unless a policy expressly provides retrospective applicability, a welfare or promotional scheme cannot be extended to past retirees by judicial interpretation. The Petitioner, therefore, cannot claim the benefit of ACPS for purposes of pension revision.

25. The Revisional Authority, while passing the impugned order dated 22.05.2018, correctly applied the governing pension principles by holding that pension must correspond to the pay scale actually held at the time of retirement. The reasoning adopted cannot be said to suffer from arbitrariness or legal infirmity of the 1997 Rules warranting interference under Article 226 of the Constitution of India.

26. In view of the foregoing discussion, this Court finds no illegality in the fixation of the Petitioner's pension on the basis of the



2026:DHC:3702-DB



replacement pay scale of Rs.5500-175-9000 (S-10), and the claim for re-fixation on the higher scale of Rs.6500-200-10500 (S-12) is liable to be rejected.

27. The present Writ Petition, being devoid of merit, is accordingly dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

MAY 02, 2026
sp/shah