



2026:DHC:2999-DB



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

+ W.P.(C) 3942/2021

LAXMI CHAND

.....Petitioner

Through: Mr. L. B. Rai, Mr. Kartik Rai,
Mr. Satvik Rai, Ms. Avani Rai, Mr. Vineesh
Tyagi and Mr. Ayush Pandita, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Himanshu Pathak, SPC
with Mr. Chetanya Puri, SPC, Ms. Vidhi
Gupta and Mr. Mohit Gupta, Advocates.
Mr. Jitendra Kumar Tripathi and Mr. Arunav
Padhi, Advocates.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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09.04.2026

C. HARI SHANKAR, J.

1. We have heard Mr. Rai for the petitioner and Mr. Himanshu Pathak and Mr. Chetanya Puri for the respondents.

2. The petitioner joined the Military Engineering Services on 4 October 1963 as Superintendent Buildings and Roads Grade II. He superannuated on 16 August 1985. His pension was revised in accordance with the recommendations of the 4th, 5th and 6th Central Pay Commissions as approved by the Government.



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3. Aggrieved by the fact that his pension had not been revised in terms of the recommendations contained in Clause 10.1.67(i) of the report of the 7th Central Pay Commission, the petitioner approached the Central Administrative Tribunal by way of OA 4483/2018.

4. It is not in dispute that the pension of the petitioner was in fact, revised in terms of Resolution No. 38/37/2016-P&PW(A) dated 4 August 2016 and Office Memorandum dated 12 May 2017, issued by the Department of Personnel and Training pursuant to the recommendations of the 7th CPC. The case of the petitioner before us, as advanced before the Tribunal, was, therefore, that the petitioner could not have any legitimate grievance once his pension had been revised in accordance with the executive instructions issued after the 7th CPC had returned its recommendations.

5. The petitioner, as the applicant before the Tribunal, did not merely seek revision of his pension in accordance with Clause 10.1.67(i) of the recommendations of the 7th CPC but also challenged the Resolution dated 4 August 2016 and OM dated 12 May 2017 issued by the DoPT.

6. The Tribunal has by the impugned judgment rejected the petitioner's OA *in toto*. It has held that the recommendations of the CPC are not enforceable as such, unless they are accepted by the Government. It has also held that the petitioner had no enforceable right to challenge the Resolution dated 4 August 2016 and OM dated 12 May 2017 issued by the respondents.



7. We are in agreement with the decision of the Tribunal in so far as the first finding is concerned but not with the second.

8. Regarding the position that recommendations of the Pay Commission are not enforceable as such, unless approved by the Government, the law stands settled by the judgment of the Supreme Court in several decisions including *Mahatma Gandhi Mission v. Bhartiya Kamgar Sena*¹ and *State of A.P. v. A.P. Pensioners' Assn.*² from which the relevant paras may be extracted as under:

From Mahatma Gandhi Mission:

“60. The Sixth Pay Commission appointed by the Government of India is only a body entrusted with the job of making an assessment of the need to revise the pay structure of the employees of the Government of India and to suggest appropriate measures for revision of the pay structure. The recommendations of the Pay Commission are not binding on the Government of India, much less any other body. They are only meant for administrative guidance of the Government of India. The Government of India may accept or reject the recommendations either fully or partly, though it has never happened that the recommendations of the Pay Commission are completely rejected by the Government so far.

61. Once the Government of India accepted the recommendations of the Pay Commission and issued orders signifying its acceptance, it became the decision of the Government of India. That decision of the Government of India created a right in favour of its employees to receive pay in terms of the recommendations of the Sixth Pay Commission and the Government of India is obliged to pay.”

From A.P. Pensioners' Assosiation:

“36. In *State of Punjab v. Amar Nath Goyal*³ upon consideration of a large number of decisions, this Court opined that the decision of a State to limit the benefits only to employees who

¹ (2017) 4 SCC 449

² (2005) 13 SCC 161

³ (2005) 6 SCC 754



retired or died on or after a particular date upon calculating the financial implications thereof was neither irrational nor arbitrary. It was observed:

“28. ... It is trite that, the final recommendations of the Pay Commission were not ipso facto binding on the Government, as the Government had to accept and implement the recommendations of the Pay Commission consistent with its financial position. This is precisely what the Government did. Such an action on the part of the Government can neither be characterised as irrational, nor as arbitrary so as to infringe Article 14 of the Constitution.”

9. However, that would not inhibit the petitioner from challenging the correctness of the Resolutions dated 4 August 2016 and 12 May 2017 issued by the respondents. Mr. Rai is correct in his submission that, while a certain degree of latitude vests with the respondents in deciding whether to accept or not to accept the recommendations of the CPC, that latitude cannot be exercised arbitrarily.

10. As such, we are of the view that the Tribunal was in error in failing to adjudicate on the petitioner’s challenge to the Resolution dated 4 August 2016 and OM dated 12 May 2017 issued by the respondents.

11. Accordingly, we quash and set aside the impugned judgment dated 26 September 2019 passed by the Tribunal to the extent it has not chosen to adjudicate on prayer (a) in the OA by which the petitioner challenged the Resolution dated 4 August 2016 and OM dated 12 May 2017 issued by the respondents. The OA is therefore, remanded for a decision *de novo* on prayer (a).

12. Needless to state, the entitlement of the petitioner to the benefit



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of the recommendations contained in Clause 10.1.67(i) of the recommendations of the 7th CPC would also have to abide by the fate of the challenge contained in prayer (a) in the OA.

13. For this purpose, in order to expedite matters, we direct learned Counsel for the parties to appear before the Tribunal on 27 April 2026.

14. Learned Counsel for the parties would also file before the Tribunal a brief of their respective submissions not exceeding four pages each in order to facilitate the exercise of *de novo* adjudication.

15. We also make it clear that neither side would be entitled to seek any adjournment from the Tribunal on the date fixed by us.

16. We request the learned Tribunal to deal with the matter with all due expedition.

17. We make it clear that we have not expressed any opinion on the merits of prayer (a) in the OA. All issues of fact and law regarding the said prayer would be open to adjudication before the Tribunal.

18. The writ petition is disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

APRIL 9, 2026/pa