



2025:DHC:7883-DB



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

Reserved on: 23.07.2025
Pronounced on: 10.09.2025

+ W.P.(C) 11759/2024
LATE B.H. AHUJA THROUGH LR USHA AHUJA
WIFEPetitioner

Through: Mr. Ranvir Singh, Adv.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Abhishek Khanna, SPC
with Mr. Ravindra Vikram
Singh, GP.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

J U D G M E N T

NAVIN CHAWLA, J.

1. This petition has been filed challenging the Order dated 19.03.2021 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in O.A. No. 1022/2020, titled *Late Sh. B.H. Ahuja vs. Union of India and Ors.*, dismissing the OA filed by the petitioner herein through his legal representative.

FACTS OF THE CASE

2. To give a brief background of facts in which the present petition arises, Sh. B.H. Ahuja joined service as a Draftsman on 07.05.1964,



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and thereafter was promoted to the post of Architect. After completing 38 years of service, he superannuated on 30.09.2002 in the pay scale of Rs.10,000-15,200 under the 5th Central Pay Commission (CPC). At that time, his basic salary was Rs.13,575/- per month, and his pension was accordingly fixed at Rs.6,772/- per month, which he kept drawing till 31.12.2005. To this extent, the petitioner has no grievance.

3. Thereafter, on 29.08.2008, the Government accepted the recommendations of the 6th CPC. *Vide* an Office Memorandum dated 30.08.2008 pay fixation orders were issued. The pay scale corresponding to B.H. Ahuja's last pay scale was revised to PB-3 + GP Rs.6,600 (Rs.15,600-39,100 + GP Rs.6,600).

4. According to the concordance table, for those in service as on 01.01.2006, the basic pay corresponding to B.H. Ahuja's basic pay of Rs.13,575/- was shown as Rs.25,250 + GP Rs.6600, totalling to Rs.31,850/-. However, for employees such as B.H. Ahuja, who had already superannuated as on 31.12.2005, a further clarification to the Office Memorandum dated 30.08.2008 was issued on 01.09.2008, which stated as follows:

"4.2 The fixation of pension will be subject to the provision that the revised pension, in no case, shall be lower than fifty percent of the minimum of the pay in the pay band plus the grade pay corresponding to the pre-revised pay scale from which the pensioner had retired. In the case of HAG+ and above scales, this will be fifty percent of the minimum of the revised pay scale."

(emphasis supplied)

5. Certain clarifications thereto were also provided on 03.10.2008, wherein para 4.2 was further modified as under:



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“The pension calculated at 50% of the minimum pay in the pay band plus grade pay would be calculated (i) at the minimum of the pay in the pay band (irrespective of the pre-revised scale of pay) plus the grade pay corresponding to the pre-revised pay scale. For example, if a pensioner had retired in the pre-revised scale of pay of Rs. 18400-22400, the corresponding pay band being Rs. 37400-67000 and the corresponding grade pay being Rs. 10,000/- p.m., his minimum guaranteed pension would be 50% of Rs. 37,400+Rs. 10,000 (i.e. Rs. 23,700). A statement indicating the minimum pension corresponding to each of the pre-2006 scales of pay is enclosed at Annexure.”

(emphasis supplied)

6. This was followed by an Office Memorandum dated 14.10.2008, wherein, on the basis of the clarification provided on 03.10.2008, the following was stated:

“ 4. A revised concordance table (Annexure-I) of the pre-1996, pre-2006 and post-2006 pay scales/pay bands in enclosed to facilitate payment of revised pension/family pension in terms of para 4.2 of the OM dated 1.9.2008 (as clarified vide OM dated 3.10.2008) in all cases where fixation of pension under that provision is more beneficial. ...

xxx

ANNEXURE -I

xxx

Sl. No.	Pay Scale w.e.f. 1.1.1986	Post/Grade and Pay Scale w.e.f. 1.1.1996		Name of Pay Band/ Scale	Corresponding 6 th CPC Pay Bands/scales	Corresponding Grade Pay	Pension* = 50% of sum Of min. of PB+ GP/scales	xxx
		Grade Scale						
1	2	3	4	5	6	7	8	xxx
xxx								
21	xxx	S-19	10000-325-15200	PB-3	15600-39100	6600	11100	xxx

”



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7. Thereafter, an Office Memorandum dated 28.01.2013 was issued, which directed yet another change in the calculation of the pension of pre-2006 retirees with effect from 24.09.2012. It stated as under:

“It has been decided that the pension of pre-2006 pensioners as revised w.e.f. 1.1.2006 in terms of para 4.1 or para 4.2 of the aforesaid OM dated 1. 9.2008, as amended from time to time, would be further stepped up to 50% of the sum of minimum of pay in the pay band and the grade pay corresponding to the pre-revised pay scale from which the pensioner had retired, as arrived at with reference to the fitment tables annexed to the Ministry of Finance, Department of Expenditure OM No.1/112008-IC dated 30th August, 2008. In the case of HAG and above scales, this will be 50% of the minimum of the pay in the revised pay scale arrived at with reference to the fitment tables annexed to the above-referred OM dated 30.8.2008 of Ministry of Finance, Department of Expenditure.”

(emphasis supplied)

8. The date of the applicability of changes stipulated in the Office Memorandum dated 28.01.2013 was thereafter preponed by an Office Memorandum dated 30.07.2015, to be effective from 01.01.2006.

9. In the midst of these evolving instructions governing the pension fixation of pre-2006 retirees, the petitioner’s pension was revised *vide* an Order dated 01.10.2013 to Rs.15,305/- per month with effect from 01.01.2006.

10. Thereafter, the 7th CPC came into effect from 01.01.2016, and an order for revision of pension was issued *vide* Office Memorandum



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dated 12.05.2017. Further instructions were issued by the Department of Pension and Pensioners' Welfare ('DOP&PW') on 06.07.2017, along with concordance tables for notional pay fixation as of 01.01.2016.

11. For the pay scale and basic pay of Rs. 13,575/- drawn by B.H. Ahuja at the time of superannuation, the notional basic pay fixation under 6th CPC as of 01.01.2006 was shown as Rs. 31,850/-, while the notional pay fixation under the 7th CPC was calculated as Rs.83,300/- per month, and the revised pension was accordingly fixed at Rs.41,650/- per month (50% of Rs.83,300/-). The family pension was fixed at Rs.24,990/- per month.

12. The petitioner's grievance concerns the revision of pension under the 6th CPC for the period from 01.01.2006 to 31.12.2015.

13. It is the case of the petitioner that the pension should be revised to 50% of Rs.31,850/-, that is, Rs.15,925/- per month on actual basis, with effect from 01.01.2006, instead of Rs.15,305/- per month that was actually granted.

14. The petitioner filed OA No.2921/2017 before the learned Tribunal claiming the above relief, which was disposed of on 27.09.2018 with a direction to the respondents to pass a speaking order.

15. The petitioner also preferred a Writ Petition thereagainst before this Court.

16. During the pendency of the Writ Petition, the respondents passed a speaking order, rejecting the claim of petitioner. The Writ



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Petition was, dismissed as withdrawn on 28.11.2019 and this Court on 10.01.2020, basis a clarification provided by the respondents, further stated that as per 7th CPC instructions, pay was required to be 'notionally fixed' for earlier CPCs to arrive at pay fixation under the 7th CPC from 01.01.2006 and not from 01.01.2016.

17. As the petitioner's plea for pension fixation at Rs.15,925/- for the period from 01.01.2006 to 31.12.2015, in place of Rs.15,305/- on actual basis, was not accepted by the respondents in the Speaking Order, the petitioner sent further representations to the respondents, which went unanswered, and eventually led to the subject OA being filed. The same, as noted herein above, has been dismissed by the learned Tribunal by way of the Impugned Order.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONER

18. The learned counsel for the petitioner submits that the clarification dated 03.10.2008 to the Office Memorandum dated 01.09.2008 was without the approval of the Union Cabinet and had arbitrarily altered the pension calculation formula. He submits that the original formula provided for "*50% of the sum of minimum pay in the pay band and grade pay corresponding to the pre-revised pay scale*", to be payable as pension, whereas the clarification changed this to "*50% of minimum pay in the pay band (irrespective of pre-revised scale) plus grade pay.*" He contends that this clarification has resulted in discriminatory treatment to pre-2006 retirees, reducing their



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pension entitlements without any rational basis or justification. He further contends that the law on this issue is no longer *res-integra* and has been crystallised by the learned Tribunal as well as by this Court time and again. He submits that the clarification has been quashed by the learned Tribunal by its decision in ***Central Government SAG (S-29) Pensioners Association & Anr. vs. Union of India & Anr.***, 2011 SCC OnLine CAT 2582. He states that thereafter, the Office Memorandum dated 28.01.2013 was also issued in light of the aforementioned Judgment, directing a further step-up in the pension of pre-2006 retirees with effect from 24.09.2012. He highlights that the same, however, was never implemented by the respondents and in *contra*, the decision of the learned Tribunal was challenged by the respondents before this Court *vide* W.P.(C) 1535/2012 titled ***Union of India and Anr. vs. Central Govt. Sag & Ors.*** alongwith a batch of petitions. He states that the same was dismissed on 29.04.2013 and the SLP filed thereagainst before the Supreme Court was also dismissed. He states that the High Court of Punjab and Haryana has also decided against the respondents in a similar issue and that this decision has again been upheld by the Supreme Court.

19. He highlights that thereafter, in light of the aforementioned Judgements, *vide* the Office Memorandum dated 30.07.2015, the direction for stepping-up of pension in the Office Memorandum dated 28.01.2013 was revised to be effective from 01.01.2006 instead of 24.09.2012, however, this was also never implemented.

20. He also places reliance on the Judgment of this Court in ***All***



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India S-30 Pensioners Association and Ors. vs. Union of India and Ors., 2024:DHC:2264-DB, wherein again, benefit of the Office Memorandum dated 30.08.2008 was granted to S-30 HAG pre-2006 retirees from 01.01.2006. He further avers that a near identical case of Smt. Usha Ahuja, being W.P. (C) No. 6173 of 2019, titled **Union of India vs. Smt. Usha Ahuja**, has also been decided by this Court *vide* its Judgment dated 20.03.2024 on the basis of **All India S-30 Pensioners Association and Ors.** (supra), wherein the re-fixation of pension has again been upheld. He submits that these dicta too have not been implemented by the respondents.

21. He further submits that on the basis of **All India S-30 Pensioners Association** (supra), this Court in W.P.(C) 3832/2012, titled **Ranvir Singh vs. Union of India and Ors.**, while dealing with a similar matter, in which the first part of relief sought pertained to the revision of pension of a pre-2006 retiree, again dealt with the Office Memorandum dated 30.08.2008 and concluded that pension of pre-2006 retirees is to be fixed by the common formula provided in the same. It further directed the respondents therein to make payments of arrears of pension with effect from 01.01.2006 and file an affidavit in this regard. He highlights that in affidavit so filed, the respondents have explicitly admitted to the legal implications of the Judgment dated 01.11.2011 passed in **Central Government SAG (S-29) Pensioners Association & Anr.** (supra), acknowledging that pre-2006 pensioners are entitled to pension calculation at par with post-2006 retirees. He states that despite this, the respondents have persisted in



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denying such benefits in practice.

22. The learned counsel for the petitioner submits that, therefore, the conduct of the respondents demonstrates a pattern of deliberate non-compliance with judicial orders and administrative obligations.

23. He submits that now, even the 7th CPC has been implemented, which fixes the notional pay under 6th CPC as Rs. 31,850/- for the pay scale and basic pay drawn by the petitioner at the time of superannuation. He avers that, therefore, a reading of the Office Memorandums dated 30.08.2008, 28.01.2013 and 30.07.2015 along with the directions issued in the 7th CPC, reveals that the pension of petitioner should in fact be revised to 50% of Rs.31,850/-, that is, Rs.15,925/- per month on actual basis, instead of Rs.15,305/- per month that was actually granted to the petitioner.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENTS

24. On the other hand, the learned counsel for the respondents submits that the conditions stipulated in the Office Memorandums dated 28.01.2013 and 12.05.2017 have been duly complied with. He submits that the petitioner is getting pension of Rs.15,305/- with effect from 01.01.2006, which in any case is higher than 50% of the sum of minimum of the pay in the pay band and the grade pay corresponding to the pre-revised pay scale (Rs.15,600-39,100 + grade pay Rs.6,600, that is, Rs.15,600+Rs.6,600=Rs.22,200) on which the petitioner had retired.



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25. He further places reliance on the Impugned Order to submit that the contention of the petitioner that a further pension revision is required to be undertaken to cover the period of 01.01.2006 to 31.12.2015, is neither supported by any Office Memorandum nor by the decision of the learned Tribunal in ***Central Government SAG (S-29) Pensioners Association & Anr.*** (supra). He submits that stepping up is not an automatic right, but a specific right available only when the prescribed conditions are satisfied. He states that a reading of the Judgement in ***Central Government SAG (S-29) Pensioners Association & Anr.*** (supra) along with the Office Memorandum dated 06.04.2016, reveals that the requirement of 33 years of qualifying service for grant of full pension was relaxed and it was mandated that no pro-rata reduction would apply post 01.01.2006, so long as the qualifying service was at least 20 years. He contends that in the instant case, the petitioner having completed 38 years of qualifying service, has already received full pension, that is, Rs. 6,772/- on retirement and Rs. 15,305/- with effect from 01.01.2006, which is well above the prescribed minimum (Rs. 11,100/-), that is, 50% of the sum of the minimum of pay in the pay band and the grade pay corresponding to the pre-revised pay scale. Hence, no question of any stepping up of pension would arise.

26. He submits that the petitioner's notional fixation under 6th CPC at Rs.15,925/- per month was only an intermediate stage for 7th CPC revision and was not applicable on actual basis. To this effect, he places reliance on para 17 of the Office Memorandum dated



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12.05.2017.

27. He submits that, therefore, the claims made by the petitioner are without merit and the petition should be dismissed.

ANALYSIS AND FINDING

28. The case of the petitioner is that his pension be fixed as per the concordance table provided in the Office Memorandum dated 30.08.2008 issued for implementing the recommendations of the 6th CPC. In this concordance table, the pre-revised pay in which the petitioner was placed is as under:

***“Pre-revised scale (S-19)
Rs.10000-325-15200***

***Revised Pay Band+Grade Pay
PB-3 Rs.15600-39100+6600***

<i>Pre-revised Basic Pay</i>	<i>Revised Pay</i>		
	<i>Pay in the Pay Band</i>	<i>Grade Pay</i>	<i>Revised Basic Pay</i>
10,000	18,600	6,600	25,200
10,325	19,210	6,600	25,810
10,650	19,810	6,600	26,410
10,975	20,420	6,600	27,020
11,300	21,020	6,600	27,620
11,625	21,630	6,600	28,230
11,950	22,230	6,600	28,830
12,275	22,840	6,600	29,440
12,600	23,440	6,600	30,040
12,925	24,050	6,600	30,650
13,250	24,650	6,600	31,250
<u>13,575</u>	<u>25,250</u>	<u>6,600</u>	<u>31,850</u>
13,900	25,860	6,600	32,460
14,225	26,460	6,600	33,060
14,550	27,070	6,600	33,670
14,875	27,670	6,600	34,270
15,200	28,280	6,600	34,880
15,525	28,880	6,600	35,480
15,850	29,490	6,600	36,090
16,175	30,090	6,600	36,690

(emphasis supplied)”



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29. However, the respondents have not implemented these instructions, but have argued that the pension of the petitioner was to be fixed as per the Office Memorandum dated 01.09.2008 as clarified by the clarification dated 03.10.2008 and the Office Memorandum dated 14.10.2008 which mandated the minimum pay in the pay band '*irrespective of the pre-revised pay scale*', that is, by taking minimum pay in the pay band itself instead of taking Rs. 25,250/-.

30. It is the case of the petitioner that these clarifications/amendments to the pension calculation formula were without authority and have been quashed. It is also his case that the Office Memorandums dated 28.01.2013 and 30.07.2015 have been issued in order to clarify the same.

31. We are in agreement with the contention of the learned counsel for the petitioner. The legality of these clarifications has been discussed in a catena of Judgements passed by the learned Tribunal, this Court and the Supreme Court, and the matter is no longer *res-integra*.

32. The Full Bench of the learned Tribunal in its Order dated 01.11.2011 passed in ***Central Government SAG (S-29) Pensioners Association & Anr.***(supra), dealt with four connected applications filed by pre-2006 Central Government retirees of the S-29 scale who were seeking pay parity with post-2006 retirees based on the 6th CPC. While the learned Tribunal opined that the government had the authority to create different pension schemes with cut-off dates for pre-2006 and post-2006, it could not have arbitrarily altered its own



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accepted formula for pension calculation issued *vide* OM dated 30.08.2008 through the unauthorised clarifications dated 03.10.2008 and 14.10.2008. The learned Tribunal found that these clarifications illegally modified the 6th CPC recommendations as accepted by the Government *vide* Resolution dated 29.08.2008 and the Office Memorandum dated 30.08.2008 by changing the pension calculation formula from “50% of the sum of minimum pay in the pay band and grade pay corresponding to the pre-revised pay scale” to “50% of minimum pay in the pay band (irrespective of pre-revised scale) plus grade pay”. We quote from the Order as under:

“26. As can be seen from the relevant portion of the resolution dated 29.8.2008 based upon the recommendations made by the VI CPC in paragraph 5.1.47, it is clear that the revised pension of the pre-2006 retirees should not be less than 50% of the sum of the minimum of the pay in the Pay Band and the grade pay thereon corresponding to the pre-revised pay scale held by the pensioner at the time of retirement. However, as per the OM dated 3.10.2008 revised pension at 50% of the sum of the minimum of the pay in the pay band and the grade pay thereon, corresponding to pre-revised scale from which the pensioner had retired has been given a go-by by deleting the words “sum of the” “and grade pay thereon corresponding to the pre-revised pay scale” and adding “irrespective of the pre-revised scale of pay plus”, implying that the revised pension is to be fixed at 50% of the minimum of the pay, which has substantially changed the modified parity/formula adopted by the Central Government pursuant to the recommendations made by the VI CPC and has thus caused great prejudice to the applicants. According to us, such a course was



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not available to the functionary of the Government in the garb of clarification thereby altering the recommendations given by the VI CPC, as accepted by Government. According to us, deletion of the words “sum of the” “and grade pay corresponding to the pre-revised scale” and addition of the words “irrespective of the pre-revised scale of pay plus”, as introduced by the respondents in the garb of clarification vide OM dated 3.10.2008 amounts to carrying out amendment to the resolution dated 29.08.2008 based upon para 4.1.47 of the recommendations of the VI CPC as also the OM dated 1.9.2008 issued by the Central Government pursuant to the aforesaid resolution, which has been accepted by the Cabinet. Thus, such a course was not permissible for the functionary of the Government in the garb of clarification, that too, at their own level without referring the matter to the Cabinet.

27. We also wish to add that the Pay Commissions are concerned with the revision of the pre-revised ‘pay scales’ and also that in terms of Rule 34 of the CCS (Pension) Rules, 1972 the pension of retirees has to be fixed on the basis of the average emoluments drawn by them at the time of retirement. Thus, the pre-revised scale from which a person has retired and the emoluments which he was drawing at the time immediately preceding his retirement are a relevant consideration for the purpose of computing revised pension and cannot be ignored. As such, it was not permissible for the respondents to ignore the pre-revised scale of pay for the purpose of computing revised pension as per the modified parity in the garb of issuing the clarifications, thereby altering the modified parity/formula, which was accepted by the Central Government vide its resolution dated 29.08.2008.

xxx

29. From the above extracted portion it is



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clear that the principle of modified parity, as recommended by the V CPC and accepted by the VI CPC and accepted by the Central Government provides that revised pension in no case shall be lower than 50% of the sum of the minimum of the pay in the pay band and grade pay corresponding to revised pay scale from which the pensioner had retired. According to us, as already stated above, in the garb of clarification, respondents interpreted minimum of pay in the pay band as minimum of the pay band. This interpretation is apparently erroneous, for the reasons:

- a) if the interpretation of the Government is accepted it would mean that pre-2006 retirees in S-29 grade retired in December, 2005 will get his pension fixed at Rs.23700/- and another officer who retired in January 2006 at the minimum of the pay will get his pension fixed at Rs.27350/-. This hits the very principle of the modified parity, which was never intended by the Pay Commission or by the Central Government;*
- b) The Central Government improved upon many pay scales recommended by the VI CPC. The pay scale in S-29 category was improved from Rs.39200-67000/- plus Grade Pay of Rs.9,000/- with minimum pay of Rs.43280/- to Rs.37,400-67000/- with grade pay of Rs. 10,000/- with minimum pay of Rs.44,700/- (page 142 of the paper-book). interpretation of the Department of Pension is accepted, this will result in reduction of pension by Rs.4,00/- per month. The Central Government did not intend to reduce the pension of pre-2006 retirees while improving the pay scale of S-29 grade;*
- c) If the erroneous interpretation of the Department of Pension is accepted, it would mean that a Director level officer retiring after putting in merely 2 years of service in their pay band (S-24) would draw more pension than a S-29 grade officer retiring before*



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1.1.2006 and that no S-29 grade officer, whether existing or holding post in future will be fixed at minimum of the pay band, i.e., Rs.37,400/-. Therefore, fixation of pay at Rs.37,400/- by terming it as minimum of the pay in the pay band is erroneous and ill conceived; and

d) That even the Minister of State for Finance and Minister of State (PP) taking note of the resultant injustice done to the pre-11.2006 pensioners (pages 169-170) had sent formal proposal to the Department of Expenditure seeking rectification but the said proposal was turned down by the officer of the Department of Expenditure on the ground of financial implications. Once the Central Government has accepted the principle of modified parity, the benefit cannot be denied on the ground of financial constraints and cannot be said to be a valid reason.

30. In view of what has been stated above, we are of the view that the clarificatory OM dated 3.10.2008 and further OM dated 14.10.2008 (which is also based upon clarificatory OM dated 3.10.2008) and OM dated 11.02.2009, whereby representation was rejected by common order, are required to be quashed and set aside, which we accordingly do. Respondents are directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006, based on the resolution dated 29.08.2008 and in the light of our observations made above. Let the respondents re-fix the pension and pay the arrears thereof within a period of 3 months from the date of receipt of a copy of this order. OAs are allowed in the aforesaid terms, with no order as to interest and costs."

33. The Punjab and Haryana High Court approved the above Order in its Judgement in ***R.K. Aggarwal and Ors. vs. State of Haryana & Ors.***, 2012 SCC OnLine P&H 24416, holding as under:



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“26. It is for the aforesaid reasons, we remark that there is no need to go into the legal nuances. Simple solution is to give effect to the resolution dated 29.08.2008 whereby recommendations of the 6th Central Pay Commission were accepted with certain modifications. We find force in the submission of learned counsel for the petitioners that subsequent OMs dated 03.10.2008 and 14.10.2008 were not in consonance with that resolution. Once we find that this resolution ensures that “the fixation of pension will be subject to the provision that the revised pension, in no case, shall be lower than 50% of the sum of the minimum of the pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired”, this would clearly mean that the pay of the retiree i.e. who retired before 01.01.2006 is to be brought corresponding to the revised pay scale as per 6th Central Pay Commission and then it has to be ensured that pension fixed is such that it is not lower than 50% of the minimum of the pay in the band and the grade pay thereon. As a result, all these petitions succeed and mandamus is issued to the respondents to re-fix the pension of the petitioners accordingly within a period of two months and pay the arrears of pension within two months. In case, the arrears are not paid within a period of two months, it will also carry interest @ 9% w.e.f. 01.03.2013. There shall, however, be no order as to cost.”

34. The Special Leave Petition against the said Judgment being SLP(C) No.19784/2013 filed before the Supreme Court was dismissed as withdrawn *vide* Order dated 28.10.2013.

35. This Court also, in its Judgment dated 29.04.2013 passed in ***Union of India and Anr. vs. Central Govt. Sag & Ors.***(supra), while



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placing reliance on the Judgment of the Punjab and Haryana High Court in ***R.K. Aggarwal*** (supra), upheld the learned Tribunal's Order, while further extending the applicability of the Office Memorandum to take effect from 01.01.2006 instead of 24.09.2012.

36. The Judgement of this Court has also been upheld by the Supreme Court *vide* Orders dated 29.07.2013 and 17.03.2015 passed in SLP(C) No. 23055/2013 and SLP(C) No. 36148-36150/2013, respectively.

37. The above position also stands accepted in the Office Memorandum dated 28.01.2013 and 30.07.2015.

38. In view of the above, the Impugned Order cannot be sustained and is accordingly set aside.

39. The pension/Family Pension of Late Shri B.H. Ahuja shall be re-fixed by the respondents strictly in accordance with the fitment table annexed with the OM dated 30.08.2008 and the arrears due shall be released to the petitioner, along with interest at the rate of 6% p.a., within a period of eight weeks from today.

40. The respondents shall also pay costs of Rs. 20,000/- to the petitioner within the same period.

41. The petition is allowed in the above terms.

NAVIN CHAWLA, J.

RENU BHATNAGAR, J.

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