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

Date of Decision: 12th May, 2026.

+ W.P.(C) 11619/2024, CM APPL. 57514/2024

SHANKER RAJU

.....Petitioner

Through: In person.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Amit Gupta, SPC with Mr. Vidur Dwivedi, GP with Mr. Rishi Pal Singh, DS-DOPT and Mr. Karan Meena, DOPT.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. The Petitioner, appearing in person, is a former Member (Judicial) of the Central Administrative Tribunal.¹ He seeks interference with the fixation of his pension and, in substance, challenges the Pension Payment Order² dated 9th December, 2010, the subsequent revisions dated 18th June, 2020 and 24th June, 2020, the notification dated 30th August, 2018 issued by the Department of Personnel and Training,³ and the order dated 1st August, 2024 passed pursuant to the earlier order of this Court dated 13th May, 2024. The

¹ "CAT"

² "PPO"

³ "DoPT"



central controversy concerns the valuation of each completed year of qualifying service for pension purposes. The Petitioner contends that the figures prescribed under Part III of the First Schedule to the High Court Judges (Salaries and Conditions of Service) Act, 1954 ought to apply directly to him, whereas the Respondent maintains that his pension is governed by Rule 8 of the Central Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairmen and Members) Rules, 1985,⁴ as amended from time to time.

2. The Petitioner disputes the valuation assigned to each completed year of qualifying service for pension purposes. According to him, the applicable figures ought to be those prescribed in Part III of the First Schedule to the High Court Judges (Salaries and Conditions of Service) Act, 1954, namely Rs.16,020/- per annum following the 6th Central Pay Commission⁵ and Rs.45,016/- per annum following the 7th CPC. Proceeding on that basis, he claims pension at Rs.26,700/- per month with effect from 11th December, 2010 and Rs.75,000/- per month with effect from 1st January, 2016, together with consequential arrears and dearness relief.

3. The Respondent contests the claim on the footing that the Petitioner was appointed before 19th February, 2007, and is therefore governed by the 1985 Rules, as amended from time to time. It is urged that Rule 8 of the 1985 Rules specifically governs pension. The figures applicable to the Petitioner, according to the Respondent, are Rs.14,532/- per annum for each completed year of service after the 6th CPC and Rs.40,836/- per annum after the 7th CPC. Applying these figures to twenty years of qualifying service,

⁴ “1985 Rules”

⁵ “CPC”



the Petitioner's pension has been fixed at Rs.24,220/- per month from 11th December, 2010 and Rs.68,060/- per month from 1st January, 2016.

4. The Petitioner was appointed as Member (Judicial), CAT, pursuant to an order dated 8th December, 2000, against a vacancy from 11th December, 2000. The appointment order expressly stated that his conditions of service would be governed by the 1985 Rules, as amended from time to time. He demitted office on 10th December, 2010. The initial PPO dated 9th December, 2010 fixed his pension at Rs.12,110/- per month with effect from 11th December, 2010.

5. Thereafter, in view of the decision in *P. Ramakrishnam Raju v. Union of India*⁶ and the order dated 27th September, 2019 passed by the Supreme Court in *Union of India v. Shanker Raju*,⁷ the benefit of counting ten years' practice at the Bar as qualifying service was extended to Judicial Members appointed from the Bar in CAT and State Administrative Tribunals before 19th February, 2007. The Respondent accordingly revised the Petitioner's qualifying service from ten years to twenty years. The dispute is not over the addition of those ten years, but over the valuation to be assigned to each completed year of qualifying service.

6. The statutory background is as follows: As per Rule 8 of 1985 Rules, every person appointed as Chairman, Vice-Chairman or Member would be entitled to pension, subject to the conditions contained therein. The pension under Rule 8 was initially calculated at Rs.700/- per annum for each completed year of service, subject to the prescribed ceiling.

7. By insertion of Rule 15A with effect from 31st March, 1989, the

⁶ (2014) 12 SCC 1

⁷ "SLP (C) 018860/2019"



conditions of service and perquisites of the Chairman and Vice-Chairman were brought at par with those of a serving Judge of a High Court. The conditions of service of Members, however, were not similarly altered. Consequent upon Rule 15A, the pension of the Chairman and Vice-Chairman was revised to Rs.1,600/- per annum, equivalent to the figure then applicable to High Court Judges.

8. The pension of Members was thereafter revisited. The Respondent's case is that the matter was examined in consultation with the Department of Pension and Pensioners' Welfare and the Department of Expenditure. Since Members drew pay lower than the Chairman and Vice-Chairman, it was considered inappropriate to grant them the same pension as the Chairman and Vice-Chairman. Accordingly, with Cabinet approval, Rule 8 was amended with effect from 31st March, 1989 and the pension of Members was revised from Rs.700/- to Rs.1,450/- per annum for each completed year of service.

9. The Respondent submits that the figure of Rs.1,450/- was arrived at by applying the proportion between the mean pay of Members and the mean pay of Chairman and Vice-Chairman. The mean of the Member's scale was taken at Rs.7,650/- and the mean of the Chairman and Vice-Chairman's pay was taken at Rs.8,500/-. The calculation, according to the Respondent, was $\text{Rs.7,650} \div \text{Rs.8,500} \times \text{Rs.1,600}$, which came to Rs.1,440/- and was rounded to Rs.1,450/-.

10. The same method, according to the Respondent, was followed in later revisions. After the 5th CPC, the figure of Rs.1,450/- was revised to Rs.4,716/- per annum. After the 6th CPC, Rs.4,716/- was revised to Rs.14,532/- per annum by applying the formula $\text{Rs.4,716} \div \text{Rs.5,200} \times$



Rs.16,020. After the 7th CPC, Rs.14,532/- was revised to Rs.40,836/- per annum by applying the formula $\text{Rs.14,532} \div \text{Rs.16,020} \times \text{Rs.45,016}$.

11. The Petitioner questions this proportionality formula. He relies upon communications issued under the Right to Information Act and other departmental records to submit that the pension of CAT Members is linked to the pension of High Court Judges payable under Part III of the First Schedule to the 1954 Act. Once that linkage is accepted, he submits, the Respondent cannot apply a reduced figure of Rs.14,532/- in place of Rs.16,020/- or Rs.40,836/- in place of Rs.45,016/-.

12. The Petitioner also relies upon the Cabinet note of 1994. According to him, the Cabinet note merely proposed revision of the Members' pension from Rs.700/- to Rs.1,450/- per annum and did not approve any continuing formula of proportionality to be applied in all future Pay Commission revisions. He submits that the Respondent has read into the Cabinet approval something which the Cabinet note does not contain.

13. The Petitioner further places reliance on Rule 16 of the 1985 Rules, which provides that the conditions of service of the Chairman, Vice-Chairman or other Member, for which no express provision is available in the Rules, shall be determined by the rules and orders for the time being applicable to a Secretary to the Government of India belonging to the Indian Administrative Service. He submits that, in the absence of a valid statutory basis for proportionality, his pension ought to be determined on the correct benchmark under the High Court Judges Act.

14. Reliance is also placed on the judgment of the Supreme Court in ***In Re: Refixation of Pension Considering Service Period in District Judiciary***



and High Court,⁸ decided on 19th May, 2025. The Petitioner submits that the principle of non-discrimination in pension, as applied to High Court Judges, ought to inform the present adjudication as well.

15. During the course of submissions, the Petitioner has also filed a reply to the brief note produced by the Respondent on revision of pension of CAT Members. He disputes the Respondent's reliance on the CAT communication dated 2nd March, 2023, by which the earlier entries in the pension calculation sheets (showing Rs.80,000/- fixed under the 6th CPC and Rs.2,25,000/- fixed under the 7th CPC) were stated to be inadvertent and directed to be read as Rs.75,500-80,000 and Rs.2,05,400-2,24,400 respectively. According to the Petitioner, the PPO dated 6th June, 2016, the PPO dated 23rd July, 2020 and the pay slip for December 2010 show that his pay was treated as Rs.80,000/- and thereafter Rs.2,25,000/-. He submits that the Respondent cannot now dilute that position by treating him as placed below the level earlier recognised in official pension documents.

16. The Petitioner further submits that the Cabinet Secretariat Minutes relied upon by the Respondent record approval of the proposal to revise Members' pension from Rs.700/- to Rs.1,450/- per annum, but does not itself mention any formula of proportionality. He therefore contends that the formula now put forward by the Respondent is an administrative reconstruction and not the actual basis approved by the Cabinet. According to him, if the Cabinet approval is confined to the specific substitution of Rs.1,450/- in Rule 8, the Respondent cannot treat that approval as authority for a continuing formula to be applied indefinitely through successive pay revisions.

⁸ Suo Motu Writ Petition (C) No.4 of 2024



17. The Petitioner also relies on the Respondent's own calculation table, which uses the figures of Rs.16,020/- and Rs.45,016/-, being the figures under Part III of the First Schedule to the High Court Judges Act. He submits that once the Respondent itself uses those statutory figures as the basis of calculation, it cannot deny that his pension is being computed by reference to the pension entitlement of a High Court Judge. In his submission, the Respondent's attempt to reduce those figures to Rs.14,532/- and Rs.40,836/- rests on no express statutory command.

18. The Petitioner seeks to distinguish the decision in *M.B. Majumdar v. Union of India*.⁹ He submits that the said judgment dealt with the claim of CAT Members for parity with High Court Judges or Vice-Chairmen in matters of pay and age of superannuation. It did not decide the specific question of pension payable to a retired Member under Rule 8, nor did it consider the later amendments linking the pension revision of Members to the figures under Part III of the High Court Judges Act. The Petitioner therefore submits that *M.B. Majumdar* cannot be treated as a complete answer to his pension claim

19. The Respondent, on the other hand, submits that the Petitioner's claim proceeds on an incorrect assumption that he is entitled to the same pension as a High Court Judge. The Respondent accepts that the revision of Members' pension is linked to the pension of High Court Judges, but submits that the linkage is only for the purpose of revision and not for direct parity. The Respondent maintains that the applicable rule is Rule 8 of the 1985 Rules, which has been amended from time to time and which expressly prescribes the applicable figure.



20. The Respondent further submits that the Administrative Tribunals Act, 1985 was amended by the Administrative Tribunals (Amendment) Act, 2006, which came into force with effect from 19th February, 2007. The amendment restructured the statutory scheme, including abolition of the office of Vice-Chairman. Section 8(3), introduced by the amendment, made the conditions of service of Chairman and Members the same as those applicable to Judges of the High Court. However, Section 10A saved the service conditions of Chairman, Vice-Chairman and Members appointed before commencement of the Amendment Act. They continued to be governed by the unamended Act and the rules made thereunder as if the 2006 Amendment had not come into force.

21. Since the Petitioner was appointed before 19th February, 2007, he cannot rely upon the post-2007 parity provision. It is also submitted that the constitutional validity of the amended provision was upheld by the Supreme Court in *A.K. Behera v. Union of India*.¹⁰ Therefore, pre-2007 and post-2007 Members belong to different statutory regimes.

22. The Respondent has also placed on record a brief note with supporting file material to explain the origin of the proportionality formula. It is submitted that the proposal to grant Members the same pension as the Chairman and Vice-Chairman, namely Rs.1,600/- per annum, was examined by the Ministry of Finance and was not accepted. The Ministry of Finance, by note dated 21st December, 1992, recorded that pension is related to length of service and pay drawn before retirement, and not to the functions performed. Since Members drew lower pay than the Chairman and Vice-

⁹ (1990) 4 SCC 501

¹⁰ (2010) 11 SCC 322



Chairman, direct parity in pension was not considered acceptable. The note, however, stated that a proportionate increase could be considered.

23. The Respondent submits that the matter was thereafter processed on that basis. The file notes show that the mean pay of the Member was taken as Rs.7,650/- and the mean pay of the Chairman and Vice-Chairman as Rs.8,500/-. Applying that ratio to the High Court Judge pension figure of Rs.1,600/-, the figure came to Rs.1,440/-, which was rounded to Rs.1,450/-. The Cabinet thereafter approved the proposal to revise Members' pension from Rs.700/- to Rs.1,450/- per annum, and Rule 8 was amended by notification dated 20th January, 1995 with retrospective effect from 31st March, 1989.

24. The Respondent further submits that the same principle was consistently followed in later revisions. Thus, Rs.1,450/- became Rs.4,716/- after the 5th CPC, Rs.4,716/- became Rs.14,532/- after the 6th CPC, and Rs.14,532/- became Rs.40,836/- after the 7th CPC. According to the Respondent, the figures Rs.16,020/- and Rs.45,016/- under the High Court Judges Act were used only as reference points for revision, not as figures directly payable to Members appointed prior to 19th February, 2007.

25. The Respondent also relies on the CAT communication dated 2nd March, 2023, which states that the earlier entries showing Rs.80,000/- fixed and Rs.2,25,000/- fixed in the pension calculation sheets were inadvertent, and that the correct corresponding scales were Rs.75,500-80,000 under the 6th CPC and Rs.2,05,400-2,24,400 under the 7th CPC. It is submitted that, in any event, this correction does not affect the revised pension, which has been fixed under the DoPT notification applicable to retired Members of CAT.



26. Lastly, the Respondent places reliance on *M.B. Majumdar* to submit that Members of CAT cannot claim equality with High Court Judges or even Vice-Chairmen in all service conditions merely because they perform adjudicatory functions. The Supreme Court has held that the Tribunal is equated with the High Court only as a forum for adjudication, and not for all purposes relating to service conditions.

Issues

27. On the rival submissions, the following issues arise for consideration:
- i. Whether the Petitioner, being a Member (Judicial), CAT appointed before 19th February, 2007, is entitled to direct application of the pension figures contained in Part III of the First Schedule to the High Court Judges Act, 1954.
 - ii. Whether Rule 8 of the 1985 Rules, as amended from time to time, validly governs the Petitioner's pension.
 - iii. Whether the proportionality formula adopted by the Respondent is so arbitrary or unsupported by law as to warrant interference under Article 226.
 - iv. Whether the impugned order dated 1st August, 2024 calls for interference, or whether the matter requires a further remand.

Analysis

28. The starting point of the analysis must be the governing statutory framework. Pension is payable in accordance with the statute or the rules governing the office concerned. Where the applicable rule expressly occupies the field, the Court ordinarily examines the claim within that framework, unless the rule itself is shown to be ultra vires, arbitrary, or otherwise constitutionally infirm. The Petitioner's claim to a higher pension must therefore first be tested against the provisions governing Members of



the CAT appointed prior to 19th February, 2007.

29. The Petitioner was appointed before 19th February, 2007. His appointment order itself made the 1985 Rules, as amended from time to time, applicable to him. Section 10A of the Administrative Tribunals Act, introduced by the 2006 Amendment, puts the matter beyond dispute. It provides that the Chairman, Vice-Chairman and Member appointed before commencement of the Amendment Act shall continue to be governed by the provisions of the Act and the rules made thereunder as if the Amendment Act had not come into force.

30. Therefore, Section 8(3), which placed the conditions of service of the Chairman and Members at par with those applicable to Judges of the High Court, operates within the amended regime. It cannot be invoked to displace Section 10A in the case of persons appointed before the commencement of the 2006 Amendment. The Petitioner, therefore, cannot claim parity with a High Court Judge on the strength of the post-19th February, 2007 provision.

31. Parliament consciously created a new regime for future appointments while preserving the pre-existing conditions for those already in office. In *A.K. Behera*, the Supreme Court recognised the validity of the distinction introduced by the 2006 Amendment and rejected the claim that Members appointed before and after the amendment must be treated as one undifferentiated class. The Petitioner cannot, through a pension claim, erase the dividing line which the statute itself has drawn.

32. Rule 8 of the 1985 Rules expressly deals with pension. It initially prescribed Rs.700/- per annum for each completed year of service. The rule was later amended from time to time. For the period relevant to the Petitioner's initial fixation after the 6th CPC, the applicable figure was



Rs.14,532/- per annum. After the 7th CPC, Rule 8 was amended by notification dated 30th August, 2018 to substitute Rs.40,836/- per annum with effect from 1st January, 2016. These are not stray departmental calculations. They are figures incorporated into the statutory rules.

33. Once Rule 8 expressly governs pension, Rule 16 cannot advance the Petitioner's case. Rule 16 is residuary. It operates only where the Rules are silent. It cannot be invoked to override an express pension provision. To accept the Petitioner's reliance on Rule 16 would be to treat the residuary clause as superior to the specific rule. That is not a permissible method of construction.

34. The Petitioner's argument proceeds substantially on the Government's response to the RTI application filed by Mr. J.K. Kaushik, as also other departmental communications, to contend that the pension of Members of the CAT is linked to the pension payable to High Court Judges under Part III of the First Schedule to the High Court Judges (Salaries and Conditions of Service) Act, 1954. The record does indicate that revisions in the pension of Members were undertaken with reference to the pension figures applicable to High Court Judges, and that Rs.16,020/- and later Rs.45,016/- were the corresponding figures under Part III of the First Schedule. The real question, however, is whether such linkage contemplated direct adoption of those figures or merely their use as a benchmark for proportionate revision under Rule 8.

35. The communications relied upon by the Petitioner cannot be read in isolation. The letter dated 4th March, 2010 states that the pension of Members was not fixed on the basis of the formula applicable to Government servants and that the payment of pension was linked with the



pension of High Court Judges. At the same time, the departmental record, as already discussed, also states that the pension payable to Members appointed before 19th February, 2007 was in proportion to the pension payable to a High Court Judge. The record, therefore, does not contain an unequivocal admission of direct parity. It contains an admission of linkage, accompanied by a consistent assertion of proportionality.

36. The mere fact that a statutory figure serves as the benchmark for revision does not, by itself, establish an entitlement to the same figure. A statutory figure may supply the point of reference for revision without being adopted entirely as the amount payable. The real question, therefore, is whether the Respondent had a rational and legally sustainable basis for applying the figure ultimately incorporated in Rule 8.

37. In this Court's view, the question must be answered in favour of the Respondent. Rule 15A brought the conditions of service of the Chairman and Vice-Chairman in line with those available to serving Judges of the High Court. It did not make a similar provision for Members. Until then, the Chairman, Vice-Chairman and Members had all drawn pension at the same rate of Rs.700/- per annum for each completed year of service. Once the Chairman and Vice-Chairman were placed on the High Court Judge footing and their pension moved to Rs.1,600/- per annum, the case of Members was also taken up for revision. The Government enhanced the pension of Members to Rs.1,450/- per annum, reflecting a conscious decision to revise their pension, though not to place them at full parity with the Chairman, Vice-Chairman or High Court Judges.

38. The Petitioner is correct to the extent of contending that the Cabinet note cannot be made to bear more than its text permits. The proposal placed



before the Cabinet was to revise the pension of Members from Rs.700/- to Rs.1,450/- per annum for each completed year of service with effect from 31st March, 1989. It did not, in express terms, lay down a full mathematical formula for every future Pay Commission revision. That, however, does not conclude the matter in the Petitioner's favour. The Cabinet note explains the origin of the differential treatment and the policy choice not to place Members at complete parity with the Chairman, Vice-Chairman or High Court Judges. The later revisions were not carried out by a mere executive instruction. They were reflected in successive amendments to Rule 8. The validity of those rule-based figures cannot be displaced only because the original Cabinet note did not set out the formula to be followed for all future revisions.

39. The Court is concerned with the validity of the rule-based figures ultimately incorporated in Rule 8, and not with whether the administrative explanation was expressed with mathematical precision at every stage. Rule 8, as amended, prescribed Rs.14,532/- and later Rs.40,836/-. The Respondent has now explained how those figures were reached. The explanation is that the pension of Members was revised proportionately with reference to the corresponding increase in pension of the Chairman and Vice-Chairman, which in turn followed the High Court Judges' figure. Thus, Rs.1,450/- moved to Rs.4,716/-, Rs.4,716/- moved to Rs.14,532/-, and Rs.14,532/- moved to Rs.40,836/-.

40. The method adopted by the Respondent is not the only conceivable method of revision. A different policy choice, perhaps a more generous one, could also have been framed by the rule-making authority. That, however, is not the test in judicial review. The Court is concerned with whether the



method ultimately reflected in Rule 8 is without statutory footing, irrational in its basis, or manifestly arbitrary in its operation. Having regard to Section 10A, the continued applicability of the 1985 Rules to pre-19th February, 2007 Members, the conscious decision not to place Members at complete parity with the Chairman and Vice-Chairman, and the successive amendments made to Rule 8, that threshold is not crossed.

41. The Respondent's distinction rests on features traceable to the statutory scheme. First, Members appointed before 19th February, 2007 continue to be governed by the 1985 Rules by reason of Section 10A. Secondly, Rule 15A brought the Chairman and Vice-Chairman to the High Court Judge footing, but did not extend the same treatment to Members. Thirdly, the pay and eligibility structure of Members was not identical to that of the Chairman and Vice-Chairman. In *M.B. Majumdar*, the Supreme Court recognised that Chairman, Vice-Chairman and Members of the CAT did not constitute one homogeneous class merely because they belonged to the same Tribunal, the parent statute itself maintaining distinctions in matters of pay, retirement age and functions. It was in this setting that the rule-making authority prescribed a proportionate figure for Members, rather than the full figure applicable to the Chairman, Vice-Chairman or High Court Judges. The classification thus has a discernible statutory basis and cannot be struck down as irrational or manifestly arbitrary.

42. The Petitioner laid emphasis on the functions performed by Members of CAT and the institutional position of the Tribunal. There is no doubt that CAT performs adjudicatory functions of high public importance. The 1994 Cabinet note itself records that CAT stood on a different footing from several other tribunals. That institutional significance, however, cannot



answer the present question. Pension must be traced to the applicable rule. The role performed by the office may bear on policy, but it cannot by itself substitute the figure prescribed in Rule 8.

43. The Petitioner also relied upon the fact that his pay under the 6th CPC was Rs.80,000/- fixed and under the 7th CPC Rs.2,25,000/- fixed. That again does not conclude the issue. Pension under Rule 8 is not framed as a percentage of last pay drawn. It is framed as a specified amount per completed year of service, subject to ceiling. The rule-making authority adopted that form from inception. The Petitioner's argument, if accepted, would require the Court to rewrite the structure of Rule 8.

44. The decision of the Supreme Court in *In Re: Refixation of Pension Considering Service Period in District Judiciary and High Court* does not assist the Petitioner in the manner contended. In that case, the Supreme Court was concerned with differential pensionary treatment amongst persons who had all entered the same constitutional office of a Judge of a High Court. The Court held that, once appointed as a High Court Judge, distinctions based on source of entry, prior service, break in service or status as an Additional Judge could not justify differential pension within the same constitutional class. The present case stands on a different footing. The Petitioner was appointed as a Member of the CAT under a statutory framework which, even prior to 19th February, 2007, maintained a distinction between Chairman and Vice-Chairman on the one hand and Members on the other. Rule 15A placed Chairman and Vice-Chairman on the High Court Judge footing, whereas no equivalent provision was made for Members. The pensionary distinction under Rule 8 followed that difference in service conditions. The principle in *In Re: Refixation of*



Pension Considering Service Period in District Judiciary and High Court therefore does not compel parity where the governing statutory scheme itself treated the offices differently from the outset.

45. Nor does the Supreme Court order dated 27th September, 2019 in the Petitioner's own case decide the present issue. That order extended the benefit of addition of ten years' Bar practice as qualifying service, with monetary benefit from 19th February, 2007. It did not decide whether the applicable per-year figure would be Rs.16,020/- or Rs.14,532/-, nor whether the later 7th CPC figure would be Rs.45,016/- or Rs.40,836/-. The Respondent has implemented the ten-year addition. What remains is the valuation of each completed year, which is governed by Rule 8.

46. Reliance was also placed on the earlier order dated 13th May, 2024. That order required the Respondent to reconsider the Petitioner's grievance, particularly the proportionality formula, and pass a reasoned order. It expressly kept the merits open and did not hold that the Petitioner was entitled to direct application of the High Court Judges' pension figures.

47. The order dated 1st August, 2024 could have dealt with the Petitioner's objections in detail. However, the matter has now been fully argued before this Court on the basis of the statutory rules, contemporaneous file material, counter affidavit and written submissions. The Respondent has explained the basis of Rule 8, the effect of Section 10A, the origin of the figure of Rs.1,450/- per annum, and the subsequent revisions culminating in Rs.14,532/- and Rs.40,836/-. In these circumstances, a further remand would serve no useful purpose.

48. The Petitioner has filed a further reply to the brief note produced by the Respondent. The Court has considered that reply as well. The first



objection is to the CAT communication dated 2nd March, 2023, by which the earlier entries in the pension calculation sheets showing Rs.80,000/- fixed under the 6th CPC and Rs.2,25,000/- fixed under the 7th CPC were stated to be inadvertent, and were directed to be read as Rs.75,500-80,000 and Rs.2,05,400-2,24,400 respectively. The Petitioner submits that the PPOs and the December 2010 pay slip show otherwise. This objection does not carry the matter further. The correction, even if accepted, does not determine the pension entitlement. Rule 8 does not calculate pension as a percentage of last pay drawn. It prescribes a fixed annual amount for each completed year of service. The letter dated 2nd March, 2023 itself records that the correction would have no bearing on the revised pension, which had been fixed in accordance with the DoPT notification revising pension of Members of CAT.

49. The Petitioner next submits that the Cabinet Secretariat note dated 30th December, 1994 does not itself refer to any formula of proportionality. The submission is factually correct in a limited sense, but it does not assist the Petitioner to the extent urged. The Cabinet minute records approval of the proposal contained in the note placed before it. The preceding inter-departmental material shows that the proposal to revise Members' pension to Rs.1,600/- per annum, at par with the Chairman and Vice-Chairman, was not accepted by the Ministry of Finance. The Ministry of Finance stated that pension is related to length of service and pay drawn before retirement, and not to the functions performed, and that direct parity would amount to equating Members with High Court Judges. It nevertheless observed that a proportionate increase could be considered. The later file notes then worked out the figure of Rs.1,450/- on the basis of the mean pay of Members in



relation to the mean pay of Chairman and Vice-Chairman. The rule-making authority thereafter amended Rule 8 and incorporated that figure in the statutory rule. The Cabinet approval must therefore be read in the setting in which the proposal was generated and processed. It cannot be read as an approval of direct parity.

50. The Petitioner also emphasises that Annexure D to the Respondent's note uses the figures Rs.16,020/- and Rs.45,016/-, which are the figures under Part III of the First Schedule to the High Court Judges Act. That is indeed so. But the use of those figures does not establish direct entitlement. They are the benchmark figures from which the Respondent has calculated the proportionate Rule 8 figure. The Respondent's case has never been that the High Court Judges Act is irrelevant. Its case is that, for pre-19th February, 2007 Members, the High Court Judges' pension supplies the reference point for revision, while the final entitlement is the proportionate amount prescribed in Rule 8. This explanation is consistent with the notifications which successively substituted the applicable figures in Rule 8.

51. The Petitioner is correct in pointing out that *M.B. Majumdar* did not arise in the context of pension fixation. That, however, does not exhaust the relevance of the decision. The Supreme Court held that the equation of the Tribunal with the High Court is only for the forum of adjudication, and not for all purposes relating to service conditions. It further held that Chairman, Vice-Chairman and Members were not born as one class under the parent statute. The present claim also rests, in part, on the premise that a Member of CAT should receive the same treatment as a High Court Judge because of the adjudicatory character of the office. That premise cannot be accepted after *M.B. Majumdar*, unless the governing statute or rule itself confers



such parity. For the Petitioner, the governing rule is Rule 8 of the 1985 Rules, not Part III of the First Schedule to the High Court Judges Act.

52. The Petitioner has received the benefit of addition of ten years' practice at the Bar as qualifying service. His pension has thereafter been calculated by applying twenty years of qualifying service to the annual figures prescribed in Rule 8. The Court cannot replace those figures with the higher figures contained in Part III of the First Schedule to the High Court Judges Act when the statutory regime applicable to pre-19th February, 2007 Members preserves a separate rule-based pension structure.

53. The jurisdiction under Article 226 is undoubtedly wide, but it is not appellate over every policy choice made by the rule-making authority in matters of service conditions. Interference would be warranted if the impugned fixation were *ultra vires* the statute, manifestly arbitrary, procedurally unfair, or unsupported by the governing rules. That threshold is not met here. The Petitioner has not shown that Rule 8, as amended, is *ultra vires* the Act, nor has he shown that the distinction between pre-19th February, 2007 and post-19th February, 2007 Members is constitutionally untenable. Section 10A supplies the statutory basis for that distinction.

54. The Petitioner's grievance cannot be dismissed as fanciful. There is, at first sight, a measure of force in his submission, for the figures prescribed in Part III of the First Schedule to the High Court Judges Act are visible in the very calculation from which the Respondent derives the proportionate figure for Members. But legal entitlement cannot be determined by looking only at that final arithmetical step. The entire statutory chain must be followed. For a Member appointed before 19th February, 2007, that chain runs through Section 10A and Rule 8 of the 1985 Rules. It does not travel



directly to Part III of the First Schedule to the 1954 Act.

Conclusion

55. The Court therefore holds as follows:

i. The Petitioner, having been appointed before 19th February, 2007, is governed by the 1985 Rules, as amended from time to time, and is not entitled to direct application of the pension figures contained in Part III of the First Schedule to the High Court Judges Act, 1954.

ii. Rule 8 is the specific provision governing pension. Rule 16 has no application where Rule 8 expressly occupies the field. The figures of Rs.14,532/- and Rs.40,836/- were prescribed by amendments to Rule 8 and have been applied to the Petitioner in accordance with that rule.

iii. The linkage with Part III of the High Court Judges Act is for revision and benchmark purposes. The proportionality reflected in Rule 8 cannot be held to be arbitrary or unsupported by the governing statutory framework.

iv. The benefit of addition of ten years' Bar practice has already been extended to the Petitioner and correctly applied. No case is made out for interference with the impugned PPOs, revisions, notification dated 30th August, 2018, or the order dated 1st August, 2024.

56. For these reasons, the writ petition is dismissed. Pending applications, if any, stand disposed of.

SANJEEV NARULA, J

MAY 12, 2026

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