



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

% Judgment reserved on: 09.02.2026  
Judgment delivered on: 30.04.2026  
Judgment uploaded on: As per Digital Signature~

+ **W.P.(C) 3761/2019**

INDIAN EX BORDERMEN  
MOVEMENT AND ORS.

....Petitioners

versus

UNION OF INDIA & ANR.

.....Respondents

**Advocates who appeared in this case**

For the petitioners : Mr. A K Trivedi, Advocate

For the Respondents : Mr. Ashish K. Dixit, CGSC with Mr. Umar Uashmi, Ms. Iqra Sheikh, Ms. Namita, Adv. with Insp. Abhishek Kumar Singh, Officer from BSF

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**JUDGMENT**

**V. KAMESWAR RAO, J.**

1. This petition has been filed with the following prayers:-

*“(a) Declare the whole action of the respondents as illegal, unjust, arbitrary and discriminatory in not fixing the pension of the members/pensioners of the petitioner's Association i.e. Constables, Sub-Inspectors and Inspectors wef 1.1.2006 in terms of OM dated 28/01/2013 & 04/01/2019.*

*(b) Quash and set aside the Impugned Order dated 06/01/2017 (Annexure-P/1) declaring as illegal, unjust, arbitrary and discriminatory.*

*(c) Direct the respondents to fix the pension of the*



*members of petitioner's Association/pensioners i.e. for Constables at Rs.3890/-P.M., for Sub-Inspectors at Rs.7215/- P.M. and for Inspectors at Rs.8345/- P.M. in accordance with concordance table of OM dated 28/01/2013 and 04/01/2019 wef 01/01/2006 and the petitioners may be entitled for all consequential benefits including arrears of pension with interest @ 18 % p.a.*

*(d) Issue a writ of mandamus or any other writ /directions /orders as may be deemed just and proper in the facts and circumstances of the case.*

*(e) Award cost.”*

## **FACTUAL BACKGROUND**

2. We may narrate the facts as borne out from the petition. The petitioner no.1 herein, is the Indian Ex-Bordermen Movement Association, All India Federation of BSF Veterans Organisation, (hereinafter referred as 'IEBM') and the petitioner nos.2 and 3 are affected personnel and members of the association. In essence, the petitioners have approached this Court seeking directions to the respondents for fixation of their pension w.e.f. 01.01.2006, in terms of the revised pay scale which was effected from 01.01.1996, in concordance with the tables dated 28.01.2013 and 04.01.2019, and grant of consequent arrears of pension with interest. Additionally, challenge is also laid to the order dated 06.01.2017 (impugned order), whereby the Pay and Accounts Office, BSF has rejected the claim of the petitioner no.2 for revision of his pension.

3. The Fifth Central Pay Commission (5<sup>th</sup> CPC) set-up *vide* resolution dated 09.04.1994 gave its report on 30.01.1997. The same did not consider the representations made by the Central Police Organisation (CPO) personnel for parity in the pay scale of subordinate officers and others in the CPOs qua Delhi Police Personnel and recommended normal



replacement pay scales of subordinate officers in the CPOs. The same are as under:

Rank	Pre-Revised pay scales (Rs.)	Pay Scales (normal replacement) Rs.
Subedar Major	2000-3200	6500-10500
Inspector	1640-2900	5500-9000
Sub-Inspector	1400-2300	5000-8000
Asstt Sub Inspector	1320-2040	4000-6000
Head Constable	975-1660	3200-4900
Constable	825-1200	2750-4400

4. Thereafter, the Ministry of Finance issued a resolution No. 50(1) IC/97 dated 30.09.1997, whereby the pay scales of the subordinate officers of the CPOs were brought at par with the pay scales enjoyed by their counterparts in the Delhi Police, IB and CBI. Pursuant to that, an exercise for rationalisation of ranks was undertaken and it resulted in the issuance of notification/order dated 10.10.1997 as per which, the pay scales of the subordinate officers in CPOs were rationalized and were brought at par with the pay scales being given to Delhi police. The pay scale in para military forces were rationalized and the replacement pay scales were notified by the Government of India *vide* this notification dated 10.10.1997. The rationalisation of the pre revised pay scales and replacement pay scales of the above cadres, mentioned in paragraph 2 of the notification, reads as under:

Sl No.	Rank Structure	Rationalised Pre-revised Pay Scales (Rs)	Replacement Pay Scales (Rs.)
1	Constable /Security Assistant	950-1400	3050-75-4590
2	Head Constables	975-1660	3250-85-4900
3	Asstt Sub Inspector	1320-2040	4000-100-6000
4	Sub Inspector/ACIO-II	1640-2900	5500-175-9000



5	Inspector/ACIO-I	2000-3200	6500-200-10500
6	Subedar Major	2000-3500	6500-200-10500

5. However, in paragraph 5 of this order, it was mentioned that it would be effective from the date of issue and the period between 01.01.1996 till the date of issue of this order, i.e. 10.10.1997, the pay in the revised scales would be regulated in accordance with the provisions of CCS(Revised) Pay Rules, 1997. The same reads as under:

*“5 The above orders will be effective from the date of issue. For the period from 01.01.95 till the issue of this order, the pay in the revised scale will be regulator in accordance with the provisions of the Central Civil Service (Revised) Pay Rules. 1997.”*

#### **SUBMISSIONS BY COUNSEL FOR THE PETITIONERS**

6. Mr A K Trivedi, learned counsel for the petitioners stated that as on 13.03.2019, 3165 ex-border men had become members of IEBM. Out of the 3165 members, the following are concerned with purpose of this petition:

S.No.	Rank	Number
a.	Constables	363
b.	Sub-Inspectors	47
c.	Inspectors and Members	38

7. He stated that it is evident from the above notification dated 10.10.1997 that the said benefit of replacement of pay scales was extended to the personnel who were in service as on 10.10.1997, but the benefit was not extended to the pensioners who retired before the implementation of the 5<sup>th</sup> CPC. (01.01.1996). This benefit should have been extended to them w.e.f. 01.01.1996, instead of 10.10.1997.



8. He submitted that aggrieved by the same, some of the personnel, that is Lal Bahadur Singh and others filed a case titled *Lal Bahadur Singh and Ors v. Union of India and Ors*, 86 (2000) *Delhi Law Times* 562, before this Court, which was allowed *vide* judgment dated 26.05.2000. The judgment upheld the notification dated 10.10.1997 but quashed paragraph 5 thereof. The operative part of the judgment reads as follows:

*“17. The result of the aforesaid discussion is that this petition succeeds. Rule is made absolute. Petitioners are entitled to the revised pay scales wef 1.1.1996. Para-5 of the Order dated 10.10.1997 is quashed. The arrears to which the petitioners shall be entitled to as a result of the aforesaid directions be calculated and paid, to the petitioners within a period of four months from today.”*

9. In view of the above, he stated the pension of the BSF personnel who retired before implementation of the 5<sup>th</sup> CPC w.e.f., 01.01.1996, was not fixed properly as per the rationalised pay scales, it was as per the old pay scale. Subsequently, the Ministry of Personnel, Public Grievances and Pensions (PPG&P) and the Department of Personnel and Training (DOPT) issued an OM dated 28.01.2013 on the subject of the revision of pension of pre-2006 pensioners.

10. He further stated the Government of India, Ministry of PP&G issued another OM dated 04.01.2019, for revision of pension w.e.f. 01.01.2006 of pre-2006 pensioners who retired from the 5<sup>th</sup> CPC scale of Rs.6500-10500/- by which the Grade Pay was revised from Rs.4200/- to Rs.4600/- and revised pension was to from Rs.8145/- to Rs.8345/- for the rank of Inspectors w.e.f. 01.01.2006. The pay scale for the post of Constable to Inspector has not been revised in terms of the notification dated 10.10.1997 in respect of past pensioners and due to this reason, the past pensioners are receiving less pension in comparison to pensioners retired after 10.10.1997.



The details of pension fixed and entitled in terms of the OM dated 28.01.2013 and 04.01.2019, in respect of affected personnel of BSF are reproduced as under:

Post	Pay Scales wef 1.1.86(Rs)	Pay Scales wef 1.1.1996(Rs)	Pension fixed wef 1.1.2006 (Rs)	Pension required to be fixed as on 1.1.2006
Constable	950-1400	3050-4590	3655	3890
Head Constable	975-1660	3200-4900	4030	4030
A.S.I.	1320-2040	4000-6000	4920	4920
Sub Inspector	1640-2900	5500-9000	6750	7215
Inspector	2000-3200	6500-10500	7215	8145
Subedar Major	2000-3500	6500-10500	8145	8145

11. It is his submission that despite the fact that the Government was under an obligation to extend the benefit of notification dated 10.10.1997 to the para-military personnel and thereafter revise the pension of all past pensioners with reference to concordance tables of OM dated 28.01.2013 and 04.01.2019, the benefit was not extended to the para-military personnel pensioners who retired before implementation of the 5<sup>th</sup> CPC w.e.f. 01.01.1996 and their pension was not fixed as per the revised pay scales, in terms of OM dated 10.10.1997.

12. He further stated one of the Inspectors of the Central Reserve Police Force (CRPF), Ex-Inspector Bhoop Singh retired from service in the year 1991 in the pay scale of Rs. 1640-2900/- w.e.f 1996. The replacement scale was Rs. 5500-9000/- which was subsequently revised by OM dated 10.10.1997 to Rs. 6500-10500/-. The pension of Bhoop Singh was fixed at Rs. 7215/- instead of at Rs. 8145/- with reference to the pay scale of Rs. 6500-10500/-. He approached the CRPF for the correct fixation of his pension in the pay scale of Rs. 6500-10500/-, at Rs. 8145/-. The same was rejected by the CRPF. Subsequently, he filed an RTI with his department,



in response to which, he was informed *vide* letter dated 16.10.2014, that the pay scale of Inspector rank between 01.01.1996 to 09.10.1997 was Rs. 5500-175- 9000/- and w.e.f 10.10.1997 to 31.12.2005 was Rs.6500-200-10500/-. He filed a *Writ Petition No. 1650/2015* before this Court titled *Bhoop Singh v. Union of India, 2015: DHC: 8476-DB*, which was allowed, *vide* judgment dated 07.10.2015. The SLP filed by the Union against the decision of this Court in *Bhoop Singh (supra)* was dismissed *vide* order dated 21.11.2016. In that sense, the judgment in *Bhoop Singh (supra)* has become final and binding.

13. Mr Trivedi stated that the decision in *Bhoop Singh (supra)* covers the case of the present petitioners. Relying upon the same decision, the petitioner no.2 herein, submitted a representation dated 06.09.2016 to the respondents for revision of his pension. However, the Pay and Accounts Office, BSF, New Delhi rejected the claim of the petitioner no.2 illegally and arbitrarily *vide* order dated 06.01.2017 (impugned order). Similarly, Ex-Sub-Inspector/petitioner no.3 herein, also approached the respondents *vide* his representation dated 18.08.2018 seeking the benefit in the case of *Bhoop Singh (supra)* and requested the respondents to fix his pension at Rs.7215/- as on 01.01.2006, which is pending consideration of the respondents and till date, no decision has been communicated to the petitioner.

14. It is his case that the petitioner nos. 2 & 3 have approached the Association/petitioner no.1 to take up their cases for the correct fixation of their pension in terms of OM dated 28.01.2013 and 04.01.2019 by taking into account the revised pay scales as granted *vide* notification dated 10.10.1997. Accordingly, the petitioner no.1/Association has taken up the



cases of all past pensioners with the respondents *vide* representation dated 22.09.2018, and requested the respondents to fix the pay and pension of the affected personnel w.e.f 01.01.1996 and 01.01.2006 correctly but till date, no decision has been taken and intimated to the petitioners.

15. Mr. Trivedi places reliance on a decision of the Guwahati High Court in the case of **No.3589164Y, Rfn/ORL Savendra Singh Chauhan v. Union of India & Ors., Writ Appeal No.50(SH)2010**, where the Guwahati High Court dealt with a similar issue and allowed the same in favour of the petitioners therein *vide* judgment dated 22.09.2011. He also placed reliance on the case of **AK Barburia & Ors v. UOI & Ors, WP(C) No.218/2013** of the High Court of Meghalaya for grant of revised pay scales in terms of OM dated 30.09.1997 and notification dated 10.10.1997 wherein the petition was allowed *vide* judgment dated 23.05.2014 directing the respondents to give appropriate rank and pay scale to the petitioners as per recommendation of the 5th Central Pay Commission.

16. Reliance was also placed by him on the case of **D.S. Nakara & Ors v. Union of India, (1983)1 SCC 305**, wherein it was held that Government servants have a right to receive pension under statutory rules and all pensioners have an equal right to receive the benefit of liberalised pension scheme. Pensioners form a class as a whole and cannot be micro-classified by an arbitrai, unprincipled and unreasonable eligibility criterion for the purpose of grant of revised pension – the criterion of date of enforcement of the revised scheme entitling benefits of the revision to those retiring after that date while depriving the benefits to those retiring prior to that date is violative of Articles 14 & 16 of the Constitution.



17. Lastly, he placed reliance on the cases of *Shri Narayan Yashwant Ors. v. UOI (SLP-1995(3) SC-188)*, *Girdhari Lal v. UOI, SLP(C) No. 14005 of 1992*, *UOI v. Tarsem Singh, 2009(1)SCSLJ-371*, *M.R. Gupta v. UOI, 1995(5)SCC 628* and *Shiv Dass v. UOI, 2007(9)SCC 274*, to state that those who are similarly situated should be given similar treatment and the cause of the petitioners herein is a recurring cause. Hence, the case of the petitioners is not barred by limitation/delay and laches.

18. Concluding his submissions, Mr Trivedi stated that the pension of the past pensioners i.e. pre-1996 pensioners is required to be fixed in accordance with concordance tables of the OMs dated 28.01.2013 and 04.01.2019 by taking into account the revised pay scales as per notification dated 10.10.1997, but the respondents have not fixed the pension of the past pensioners correctly.

### **SUBMISSIONS BY COUNSEL FOR THE RESPONDENTS**

19. Mr. Ashish K. Dixit, learned Central Government Standing Counsel (CGSC) for the respondents submitted that the pension of BSF personnel was revised in compliance of Department of Pension and Pensioners Welfare (DoP&PW), Ministry of PPG & P, O.M. No. 38/37/08-P &PW (A) dated 28.01.2013 and 06.04.2016 in the pay band plus grade pay corresponding to their pre-revised pay scale from which they had retired. The same was fixed at the rate not less than minimum 50% of pay band plus grade pay corresponding to their pre-revised pay scale from which they had retired before 10.10.1997. The rank structure and pay scale of non-gazetted cadre of CPO was rationalized w.e.f. 10.10.1997 and due to rationalization of rank structure, the benefit of replacement of pay scale was not extended to the personnel who retired before 10.10.1997, from the



ranks as per their previous rank structure.

20. He made the following submissions with respect to petitioner no.2:
- i. The petitioner no.2 is an ex BSF personnel No.680211363, who joined BSF on 08.05.1968. On 31.01.1996, he proceeded on voluntary retirement from his headquarters.
  - ii. The pension of petitioner no.2 was revised as per the recommendations of the 7<sup>th</sup> CPC and fixed @Rs. 21150/- per month w.e.f 01.01.2016 and the Central Pension Accounting Office, Bhikaji Cama Place, New Delhi has also issued Special Seal Authority in this regard for making the payment of pension at revised rates mentioned above through concerned bank authority.
  - iii. By the OM No. 38/33/12-P&PW (A) dated 04.01.2019 of the DoP&PW, Ministry of PPG&P, Government of India, it was stated that the pre-2006 pensioners who retired from the 5<sup>th</sup> CPC in the scale of Rs. 6500-10500 would be granted grade Pay of Rs. 4600/- instead of Rs. 4200/- and their revised pension will not be enhanced from Rs.8145/- to Rs. 8345/- w.e.f 01.01.2006. But, in the case of petitioner no.2, he has retired in the pay scale of 5500-175- 9000. Hence, he is not entitled for up-gradation of such grade pay as mentioned in OM dated 04.01.2019.
21. He made the following submissions with respect to petitioner no.3:
- i. The petitioner no.3 is an Ex-SI(Clk), who joined BSF on 13.01.1975 and proceeded on voluntary retirement with effect from 30.06.1996.
  - ii. Even the pension of the petitioner no.3 was revised in



compliance of the DoP & PW OM No. 38/37/08-P & PW(A) dated 28.01.2013 and 06.04.2016 in the pay band PB-2 (9300-34800) plus Grade Pay Rs.4200/- corresponding to his pre-revised pay scale from which the petitioner had retired i.e. 5500-150-8000.

22. It is his submission that the SLP filed against the decision of **Bhoop Singh (supra)**, which was filed by the Department, was dismissed only on the ground of delay and laches. The judgment was applicable particularly to the case of Bhoop Singh and petitioners therein only.

23. His primary submission is that the CPO personnel who retired before 10.10.1997 cannot be provided the benefits of the upgraded pay scales due to the rationalisation of the rank structures. The benefit of replacement pay scale was not extended to them. As per paragraph 5 of the order dated 10.10.1997 issued by the Ministry of Home Affairs, for the period from 01.01.1996 till 10.10.1997, the pay in the revised scale has to be regulated in accordance with the CCS (Revised) Pay Rules, 1997. Therefore, the pay of all the subordinate officers of CPOs who retired before 10.10.1997 was fixed in the pay scale of Rs. 5000-150-8000 (replacement of 4th CPC Pay Scale 1400-40-1600-50-2300-60-2600) for sub Inspectors and in the Pay Scale of Rs. 5500-175-9000 (replacement of 4<sup>th</sup> CPC Pay Scale 1640-60-2600-75-2900) for Inspector.

24. He stated that the judgment in the case of **Lal Bahadur Singh (supra)** would apply only to the petitioners who had filed that petition before this Court.

### **ANALYSIS AND CONCLUSION**

25. Having heard the learned counsel for the parties and perused the



record, the short issue which arises for consideration is whether the members of the petitioner association, who are Constables, Sub-Inspectors and Inspectors are entitled to fixation of their monthly pension to that of Constable at Rs.3890/-; as Sub-Inspector at Rs.7215/-; and as Inspector at Rs.8345/- with effect from 01.01.2006.

26. The impugned communication dated 06.01.2017 with respect to one of the Inspectors i.e. petitioner no.2 working with BSF reads as under:-

*“No.PAD/29-70771(SHQ BMR)/Pen Rev Cell/BSF/2017  
Government of India  
Ministry of Home Affairs  
Pay and Accounts Division BSF  
(Pen Rev Cell)*

*Pushpa Bhawan,  
Madangir, New Delhi-62  
Dated, the 06 Jan '2017*

To,

*Shri O S Sukumaran, Ex Inspector BSF,  
Oorammaia House, Velloor,  
PO-Pampady,  
Distt- Kottayam (Kerala)  
Pin- 686502.*

*Sub: Revision of pension as per recommendations of 5th CPC.*

- 1. Please refer to your Mail dated 03/01/2017 and application thereof.*
- 2. In this regard it is intimated that this office has already fixed/revised your pension in terms of para 4.2 of the OM No.38/37/08-P&PW(A).pt.1 dated 01/09/2008 and also clarified vide OM of even number dated 03/10/2008, 28/01/2013 and 30/07/2015 and fixed @ Rs.7215/-per month w.e.f. 01/01/2006 onwards which is correct.*
- 3. In regard granting of Pay Scale of Rs.6500-200-10500 instead of Rs.5500-175-9000, it is intimated that the pay scale of 6500-200-10500 was upgraded w.e.f 10/10/1997 and the inspectors who were retired on or after 10/10/1997 only are entitled for pay scale of Rs.6500-200-10500. Since,*



*you had retired before 10/10/1997 hence you are not entitled for pay scale of Rs.5500-200-10500. Further in compliance of Government of India Office Memorandums mentioned above, your pension was revised in the pay scale corresponding to your pre-revised pay scale from which you had retired as mentioned at Srl-11(5-10) of annexure of OM dated 28/01/2013, copy enclosed. Accordingly, you are entitled for Grade Pay of Rs.4200/- instead of Rs.4600/-.*

*4. You are hereby advised to liaise with concerned bank authority for getting pension at revised rates mentioned above accordingly.”*

27. The basis for the respondents to deny the grade pay of Rs.4600/- instead of Rs.4200/- to the Inspector is only for the reason that the members of the petitioner association had already retired before 10.10.1997. In that sense, the personnel who had retired on or after 10.10.1997 and before 01.01.2006 were entitled to the grade pay of Rs.4600/-. Thus, the members of the petitioner association having retired between 01.01.1996 and 10.10.1997 shall be governed by the scale of Rs.5500-9000.

28. The submission of the learned counsel for the petitioners is that the Inspectors are also entitled to pay scale of Rs.6500-10500 with effect from 01.01.1996. Similarly the Constables and Sub-inspectors are entitled to the Pay Scales of Rs.3050-4590 and Rs.5500-9000 w.e.f., 01.01.1996 respectively. This issue is no more *res integra* in view of the decision of this Court in ***W.P.(C) No.1022/2023*** titled ***Ajit Singh & Others v. Union of India & Others and connected petitions*** decided on 14.08.2024 wherein paragraph 10 onwards reads as under:-

*“10. Having considered the submissions of learned counsel for the parties, we are of the view that once the Punjab and Haryana High Court has, in Jagmal Singh (supra,) directed*



*that the benefits of the replacement scale as per recommendations of the 5th CPC ought to be granted to a similar placed BSF personnel w.e.f. 01.01.1996, the respondents cannot refuse to extend the benefits to all similarly placed persons of other CAPFs. No justification has been provided by the respondents for restricting the benefits to the petitioner in the aforesaid decision. Furthermore, the benefits in terms of these directions, as admitted by the learned counsel for the respondents, have also been extended to Force personnel in another CAPF. The petitioners are therefore, justified in claiming that the benefits in terms of the recommendations of the 5<sup>th</sup> CPC are required to be extended to them from 01.01.1996, the date from which said recommendations have been made effective and also subsequently incorporated in the CCS (revised pay) Rules, 1997.*

*11. The writ petitions are, accordingly, allowed by directing the respondents to grant the benefit of the replacement scales as per the recommendations of the 5th CPC to the petitioners w.e.f. 01.01.1996 as against 10.10.1997. However, taking into account the delay on the part of the petitioners in approaching this Court, we direct that though the notional fixation of pay replacement scale be granted to the petitioners w.e.f. 01.01.1996, any consequential arrears on this count will be restricted to a period of three years prior to the date of filing of the respective writ petitions. The exercise in terms of this order will be carried out within a period of three months.*

*12. The writ petitions are, accordingly, disposed of in the above terms.”*

(Emphasis supplied)

29. From the aforesaid, it is clear that the petitioners therein, like the petitioners herein were the retired employees of the BSF and had raised the issue of revision of pay scale as per the recommendations made by the 5<sup>th</sup> CPC which was required to be extended to the petitioners therein from 01.01.1996, the date on which the respondents took a decision to



implement the replacement pay scale. The Court had also made a reference to OM dated 10.10.1997, as also made by the respondents in this case, to hold that the petitioners in the case of **Ajit Singh & Others (supra)** and connected petitions are entitled to the pay scale as per OM dated 10.10.1997. If that be so, the petitioners herein shall be entitled to the replacement of scale as noted in paragraph no.10 above, insofar as the Constable/Sub Inspector/Inspector are concerned.

30. The plea of the petitioners is that based on the revision, their pay scale would be Rs.3050-4590 (Constable); Rs.5500-9000 (Sub-Inspector); and Rs.6500-10500 (Inspector) with effect from 01.01.1996, as per OM dated 10.10.1997, and their pension with effect from 01.01.2006 would be required to be revised.

31. In this regard, Mr Trivedi has made reference to the decision of this Court in the case of **Bhoop Singh (supra)** wherein this Court in paragraph 2 onwards has held as under:-

*“2. The petitioner initially retired as on 06.09.1991 as an Inspector in the pay scale of ₹1600-2900. With effect from 01.01.1996, the replacement scale was ₹5500-9000. This was subsequently revised on 10.10.1997 to ₹6500-10500. With the VIth Pay Commission’s recommendations, the pay scale in respect of the equivalent applicable grade (from which the petitioner had retired) was fixed at ₹9300-34800 with ₹4200/- grade pay. The petitioner had approached this court by way of the present writ petition complaining that the pension fixed consequent to the VIth Pay Commission was on a wrong basis and instead of ₹7215/- the corresponding pension of ₹8145/- with reference to the original pay scale of ₹6500-10500 (i.e. pre-revised pay scale) was applicable. This court had on 23.02.2015, for the reasons recorded, rejected the petition. The petitioner felt aggrieved and claimed that the dismissal was contrary to the record and filed R.P.226/2015. That review petition was*



allowed on 11.09.2015 and the writ petition was restored for hearing on merits. The order of the court is as follows:

“1. Having perused Annexure P-1 and the Fitment Table we find that those who were in the pay scale ₹5000-9000 as also those who were in the pay scale ₹6500-10500 have been placed in PB-2 : ₹9300-34800 with Grade Pay ₹4200, but for purposes of pension there would be a difference. The minimum pension for those who came to PB-2 with reference to pay scale ₹6500-10500 is ₹8145/- and those who came to PB-2 with reference to pay scale ₹5500-9000 their minimum pension is ₹7215/-.

2. This aspect of the matter has clearly been overlooked by this Bench when order dated February 23, 2015 was passed. Thus R.P.No.226/2015 is allowed. Order dated February 23, 2015 is recalled.

3. Writ petition is restored for hearing on merits.

4. The writ petition shall be listed before the Roster Bench for directions on October 07, 2015.”

3. We have considered the submissions of the parties. It is not in dispute that the petitioner retired on 06.07.1991 and was at that time in the pay scale of ₹1600-2900. He was consequently permitted retiring pension at ₹968/- per month. After implementation of the 5th Pay Commission the pay scale corresponding ₹1600-2900 was ₹5500-9000. His pension was therefore revised to ₹2936/- on 01.01.1996. Apparently, in the meanwhile the pay scale – in respect of the grade from which the petitioner retired – underwent a change inasmuch as it was revised to ₹6500-10500 sometime in 1997. When the VIth Pay Commission recommendations were made, the petitioner’s pension was re-fixed on the assumption that his last drawn salary was in the grade equivalent to ₹5500-9000. This was clearly erroneous because he was actually drawing salary as per a scale equivalent to ₹6500-10500 by virtue of the subsequent order made in 1997. It is therefore evident that the



*petitioner is entitled to higher pension at ₹8145/- according to the Fitment Table placed on record.*

*4. In view of the above discussion, the writ petition has to succeed. The respondents are directed to consider the record and make consequential alterations within eight weeks from today and ensure that the differential pension/arrears are disbursed to the petitioner within 12 weeks.*

*5. The writ petition is allowed in the above terms.”*

32. The challenge of the respondents to the judgment of this Court in ***Bhoop Singh (supra)*** has resulted in dismissal of SLP by the Supreme Court. The Submission of learned counsel for the respondents was only of delay and laches. Suffice to state, as the judgment of this Court has attained finality, the benefit thereof is liable to be given to the petitioners herein. It is also important note the subsequent decision of this Court in the case of ***Lado Devi v. Union of India & Others, W.P.(C) No.5738/2019*** decided on 17.12.2019 wherein this Court had considered the writ petition filed by the spouse of a personnel retired from CRPF for revision of pay scale with effect from 01.01.1996 as Rs.5500/- and also subsequent revision of pension with effect from 01.01.2006. In this regard, we may refer to the conclusion drawn by the Division Bench of this Court in paragraph 2 onwards in the following manner:-

*2. The brief facts are that the Petitioner’s husband retired from CRPF on 1st January, 1993 on completing 33 years of qualifying service. During his lifetime, he was in receipt of service pension. On the recommendations of the 4th Central Pay Commission (“CPC”) for all posts in the Central Armed Police Forces (“CAPFs”) the pay scale for the post of Inspector was revised to Rs.1640-2900/-. On implementation of the recommendations of the 5th CPC, this pay scale was revised, with effect from 1st January, 1996 to Rs.5500-9000/- and further to Rs.6500-10500/-. The*



Department of Personnel and Training (“DoPT”) issued the aforementioned OM dated 28th January, 2013 on the subject of revision of pre-2006 pensioners.

3. In para 3 of the said OM it was stated that the normal family pension in respect of pre-2006 pensioners/family pensioners, as revised from 1st January, 2006, would in terms of paras 4.1 and 4.2 of the OM dated 1st September, 2008 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 in which the Government servant had retired. There is also a fitment table enclosed to the OM, in terms of which for a post with the pay scale of Rs. 6000-10500/- as on 1st January, 1996 the family pension amount is mentioned as Rs.4887/-.

4. It is pointed out that as far as the Petitioner’s husband is concerned, his service pension was fixed at Rs.7215/-, without giving the benefit of OM dated 10th October, 1997, whereas it was required to be fixed as Rs. 8145/-. In the pension payment order dated 26th August, 2014 his pension was wrongly shown in the pay scale of Rs.5500-9000/- in the pay band of Rs.9300-34800/- with grade pay of Rs.4200/-, whereas it should have been shown in the pay scale of Rs.6500-10500/-.

5. In the case of one Mr. Bhoop Singh, who also retired as an Inspector of the CRPF, this Court passed an order on 7th October, 2015 in W.P.(C) No.1650/2015 holding that the fixation of his service pension ought to have been Rs.8145/- according to the fitment table appended to the OM dated 28th January, 2013 instead of Rs.7215/-. The order dated 7th October, 2015 of this Court in Bhoop Singh’s case was affirmed by the Supreme Court by dismissal on 21st November, 2019 of the SLP filed by the Union of India.

6. In response to the present petition, it is stated by the Respondents in their counter affidavit that since the Petitioner retired prior to 1 st January, 1996, he could not be granted the benefit of the Government of India order dated 10th October, 1997, and that the family pension was correctly determined as Rs. 6901/- with effect from 1st January, 2006 and now Rs.12,690/- with effect from 1st



January, 2016.

7. As regards the averments in para 11 of the writ petition that the Petitioner's case is no different from that of Bhoop Singh's, there is a bald denial stating that the case of Inspector Bhoop Singh was "distinct in nature." On the other hand, the Court finds that the case of Bhoop Singh is no different, except that Bhoop Singh retired even two years prior to the Petitioner's retirement, on 6th September, 1991.

8. In that view of the matter, the Court finds no justification in the Petitioner being denied the family pension worked out on the basis that the Petitioner's husband's pay scale which was revised already to Rs.6500-10500/- consequent upon the 6th CPC. A direction is issued to the Respondents to revise the pension payment order to reflect the family pension payable to the Petitioner as Rs.4887/- with effect from 1<sup>st</sup> January, 2006 and also compute the family pension payable to her with effect from 1<sup>st</sup> January, 2016 on that basis. The arrears of family pension be paid to the Petitioner within 12 weeks, failing which simple interest at 6% p.a. will be payable on the said sum for the period of delay.

9. *The petition is disposed of in the above terms."*

(Emphasis supplied)

33. In view of the above discussion and the issue being well settled, the members of the petitioner association are entitled to the benefit as sought by them in the present petition. Accordingly, the impugned order dated 06.01.2017 is set aside.

34. The respondents are directed to calculate and release the revised monthly pension to the members of the petitioner association, whose names are in the list which has been filed at annexure P2 at Rs.3890/- per month to Constable; Rs.7215/- per month to Sub-Inspector; and at Rs.8345/- per month to Inspector w.e.f., 01.01.2006. The respondents are further directed to pay the arrears pursuant to the same, subject to the adjustment of pension



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already paid to the personnel within a period of three months from today. The arrears shall entail simple interest @6% per annum from their due date till the actual payment.

35. The petition is allowed on the above terms.

**V. KAMESWAR RAO, J**

**MANMEET PRITAM SINGH ARORA, J**

**APRIL 30, 2026/sr**