

फा.न. 38/01(01)/2025-P&PW (A) (10871)

भारत सरकार Government of India

कार्मिक, लोक शिकायत और पेंशन मंत्रालय Ministry of Personnel, PG & Pensions
पेंशन और पेंशनभोगी कल्याण विभाग Department of Pension & Pensioners' Welfare

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दिनांक Dated: 08 August 2025

कार्यालय ज्ञापन

विषय: National Workshop on Pension Litigation convened on 02nd July 2025 – reg.

Department of Pension and Pensioners Welfare has convened a National Workshop on Pension Litigation on July 02, 2025 with focus on improving Pension litigation strategy/skills and greater coordination amongst all stakeholders. The Workshop was attended by Nodal Officers and Panel Lawyers of all Ministries/Departments including Legal Experts. The workshop also envisaged the pursuance of Department of Legal Affairs' Directive dated 04.04.2025 for Effective and Efficient Management of Litigation by Government of India.

2. In this connection, please find enclosed herewith following documents for information pl:-

- i. Proceedings Report of the Workshop.
- ii. Compendium of Case Studies on Pension Litigation.
- iii. Flyer on Pension Litigation

3. यह इस विभाग के सक्षम प्राधिकारी के अनुमोदन से जारी किया गया है।

संलग्न : यथोक्त

Mudh
08.08.25

(मधु मनकोटिया)

भारत सरकार की अवर सचिव

Tel. No. 24644637

To

All the Ministries/Departments of the Government of India
(through website of DoPPW)

Copy for information to:

1. PSO to Secretary(Pension), LNB, Khan Market, New Delhi.
2. PPS to Joint Secretary(Pension), LNB, Khan Market, New Delhi.



भारत सरकार
GOVERNMENT OF INDIA
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS
पेंशन एवं पेंशनभोगी कल्याण विभाग
DEPARTMENT OF PENSION & PENSIONERS' WELFARE

NATIONAL WORKSHOP ON PENSION LITIGATION

PROCEEDINGS REPORT

DATE: 02ND JULY 2025

AT

VIGYAN BHAWAN, NEW DELHI

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OVERVIEW

Department of Pension and Pensioners' Welfare (DoPPW), convened a National Workshop on Pension Litigation on 02nd July 2025 at Vigyan Bhawan (Hall No.5) New Delhi.

The workshop focused on strengthening of Pension litigation management, enhancing coordination amongst all stakeholders and mitigating the pension litigation through legal, administrative and digital reforms. The workshop was attended by around 300 Nodal Officers and Panel Lawyers from all Ministries/Departments handling the pension litigation, including the Law officers. The workshop also envisaged the pursuance of Department of Legal Affairs' Directive dated 04.04.2025 for Effective and Efficient Management of Litigation by Government of India.

Workshop Sessions:

- **Technical Sessions:**

- Topics: *Pension Case Law* and *Pension Litigation in CAT*
- Panel Speakers included Ld ASG Shri Vikramjit Banerjee, Hon'ble Member CAT Dr. Chhabilendra Roul, and others.

- **Plenary Session:**

- Graced by Hon'ble MoS(PP), Dr. Jitendra Singh who released the key publications '**Compendium of Case Studies on Pension Litigation**' and '**Flyer on Pension Litigation**'.

Various Case Laws & the Root Causes of court cases on Pension matters and measures to redress and reduce pension litigation were discussed by the Panel Speakers. Promoting preventive legal strategies, adoption of mediation and conciliatory mechanisms as viable alternatives to adversarial proceedings in pension litigation were discussed for Welfare of Pensioners.

TECHNICAL SESSION -I

1. Presentation on PENSION CASE LAW by Ld ASG Shri Vikramjit Banerjee.



The Ld. ASG, explained the pension framework in colonial India and chronology of post-independence pension reforms viz, All India Services Act 1951, EPF Act 1952, CCS(Pension) Rules 1972, EPS 1995, NPS 2004, CCS (NPS) Rules 2021 and UPS 2025.

He spoke about some major milestones judgments viz Deokinandan Prasad v. State of Bihar (1971) upholding that pension is a vested right, D.S. Nakara v. Union of India (1983) wherein it was upheld that the date based classification violated Article 14 and the case failed twin test of intelligible differentia and rational nexus, Col. B.J. Akkara v. Govt. of India (2006) on Pension disparity due to different retirement schemes was upheld if based on intelligible differentia and rational nexus, All Manipur Pensioners Assn. v. State of Manipur (2020) pre and post 1996 revision where the arbitrary classification was struck down as violative of Article 14, S-30 Pensioners Assn. v. Union of India (2024) classification based on retirement date held violative of Article 14; Finance Act 2025 validated the distinction retrospectively.

He concluded with the remarks that in implementing the policy, Government officers have to ensure that interest of the Government is protected as well as the rights of the pensioners are also looked into. There has to be sympathy for the pensioners. He also emphasized that when the Government officers brief their lawyers they should come with the reasoning.

TECHNICAL SESSION -I

2. Presentation on PENSION CASE LAW by Shri Dhrubajyoti Sengupta, Joint Secretary (Pension), DoPPW.



He explained the mission of DoPPW for ease of life, dignity, social security and digital empowerment of pensioners. He addressed the nodal officers of Ministries/Departments to understand the needs and preferences of the pensioners and to ascertain their grievances whether related to parity in pension, dispute in pension calculation or unresolved grievances and to find out what is litigated most. He also explained the complex policy making process and how same is affected by adverse judgments. So its effective implementation and correct interpretation by officers is must for reducing disparity and consequential litigation. He also presented some important case Laws regarding NPS, family pension and recent amendments in Rule 37 of CCS(Pension) Rules 2021.

INTERACTIVE SESSION AND SUMMING UP



PRESENTING OF MEMENTOS TO SPEAKERS



TECHNICAL SESSION -II

3. Presentation on PENSION LITIGATION IN CAT by Hon'ble Member CAT Dr. Chhabilendra Roul.



He explained and presented that to reduce pension related litigation, a proactive, empathetic, and technology-driven administrative framework is essential. He stated that most importantly, a shift in attitude and accountability at every level of processing pensions can bring about significant change. He deliberated that applying the principle of natural justice, simplifying procedures, and ensuring transparency will restore faith in the system and reduce the burden on Tribunals and Courts.

TECHNICAL SESSION -II

4. Presentation on PENSION LITIGATION IN CAT by Shri T.P.Singh Sr. Central Government Counsel, HC Delhi.



Sh. T.P. Singh addressed the nodal officers stating that as of December 31, 2022, a total of 80,545 cases were pending in various branches of the Central Administrative Tribunal (CAT), including around 3,716 pension-related cases, with approximately 1,350 cases pending for over 10 years. The main issues in pension litigation include delays in processing, discrepancies in the interpretation of pension rules, and denial of rightful benefits such as pension, gratuity, and other entitlements. The Supreme Court, in cases like *D.S. Nakara* and *Dr. Uma Agarwal vs. State of UP*, has clearly established that pension is a legal right, not a discretionary benefit. To minimize pension litigation, it is recommended to streamline procedures through digitization and comprehensive online portals for pension application and grievance redressal. Simplifying forms, standardizing processes, conducting regular audits, and providing training to officials on pension rules are essential steps. The continuation and expansion of Pension Adalat as a mechanism for alternative dispute resolution is also crucial.

PRESENTING OF MEMENTOS TO SPEAKERS



PLENARY SESSION



Plenary session commenced with the arrival of Hon'ble Minister of State(PP), Dr.Jitendra Singh ji, who formally inaugurated the session with the lighting of the lamp, accompanied by Shri V. Srinivas, Secretary (Pension), Dr. Niten Chandra, Secretary (Ex-Servicemen Welfare) and Dr.Anju Rathi Rana, Secretary(Law).

PLENARY SESSION

1. Address by Shri V. Srinivas, Secretary (Pension)



Shri V. Srinivas, Secretary (Pension) outlined the rationale behind convening the workshop stating that the initiative was conceived to strengthen the capacities of nodal officers, streamlining administrative processes and reducing avoidable pension related litigation. He emphasized the importance of technology as a force multiplier, empowering nodal officers for better handling of litigation, on LIMBS Portal, and highlighted the need for regular monitoring and guidance of field offices for effective litigation management.

PLENARY SESSION

2. Address by Dr. Niten Chandra, Secretary (Ex-Servicemen Welfare)



Dr. Niten Chandra, Secretary (ESW), spoke about the host of welfare schemes formulated for Defence pensioners and SPARSH as a web-based system for effectively managing and disbursing Defence pensions.

He also highlighted the issues in improved handling of court cases related to Disability Pension of Defence Pensioners.

3. Address by Dr. Anju Rathi Rana, Secretary (Law)



Dr. Anju Rathi Rana, Secretary (Law), stressed that preventive legal strategies must be the norm, not curative ones, and emphasized handling pension litigation with clarity and compassion to uphold the

dignity that pensioners have rightfully earned.

PLENARY SESSION

4. Address by Shri R. Venkataramani, Ld. Attorney General of India



Shri R. Venkataramani, Ld. Attorney General of India stressed the need for a structured national approach to litigation management, with a special focus on pension disputes. He proposed an ambitious target of achieving “zero pension litigation” by 2028 through anticipatory administrative measures, timely grievance resolution, and a culture of accountability. Emphasizing the unique nature of pension litigation compared to other service-related legal matters, he advocated for the adoption of mediation and conciliatory mechanisms as viable alternatives to adversarial proceedings. He also called for the use of digital tools to improve real-time coordination between nodal officers, law officers, and his office. He proposed establishing a digitally connected standing platform to monitor and manage litigation across Departments.

RELEASE OF KEY PUBLICATIONS BY HON'BLE MOS(PP)

i. Compendium of Case Studies on Pension Litigation



ii. Flyer on Pension Litigation



PLENARY SESSION

Address by Hon'ble Minister of State (PP), Dr.Jitendra Singh ji



In his keynote address, Hon'ble MoS (PP), Dr. Jitendra Singh, congratulated the Department for convening the first of its kind Workshop on Pension Litigation. He stressed the need to manage pension-related litigation efficiently and impressed on the significance of pension welfare towards ensuring mitigation of litigations. He emphasized on utilizing the energy and experience of retired personnel positively towards a Viksit Bharat rather than letting them be consumed by legal struggles. They may retire from Government service, but not from serving the nation

He underlined the Government's firm commitment to pensioners' welfare, while also drawing attention to the mounting pressure on Government finances due to litigation. He pointed out that with the number of pensioners now exceeding the number of serving Central Government employees, the challenges of pension administration have entered a new phase that requires urgent institutional coordination and systemic reforms.

He also mentioned that Pension related litigation often arises from misinterpretation of rules and unresolved grievances can lead to unnecessary hardship for senior citizens. He supported integrating technology and AI-driven tools, while maintaining a human-centered approach to individual grievances and stressed that the workshop aims to train nodal officers and reduce unnecessary litigation by resolving issues proactively.

The session closed with a call for a hybrid model AI with Human Intelligence to improve pensioner welfare and a vision to channel retirees' energies toward nation-building.

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PHOTOGRAPHS







भारत सरकार

Government of India

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

Ministry of Personnel, Public Grievances & Pensions

पेंशन एवं पेंशनभोगी कल्याण विभाग

Department of Pension & Pensioners' Welfare

Compendium of Case Studies on Pension Litigation

**National Workshop on Pension Litigation
July 02, 2025**

वी. श्रीनिवास, आई.ए.एस.

V. Srinivas, IAS

सचिव

SECRETARY



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Building consensus across stake holding Ministries and Departments of Government of India for a better and smarter legal management mechanism has been on the anvil of DoPPW for some time now. This document, titled "Compendium of Case Studies on Pension Litigation" provides a comprehensive overview of the pension-related policies, legal frameworks, and judicial precedents administered by the Department of Pension and Pensioners' Welfare (DoPPW), the nodal authority for formulating pension policies for Central Government Civil Employees. It delves into the complexities of pension litigation, highlighting key court cases, their implications, and the evolving regulatory landscape as shaped by the Government on Pension policy.

The case studies presented herein address critical issues such as pension parity, forfeiture of benefits for Public Sector Undertaking (PSU) absorbees, commutation restoration periods, and additional pension provisions for elderly retirees. These cases provides and insight about the challenges faced by the DoPPW in balancing policy adherence with judicial interpretations, inter-ministerial coordination, and the financial implications of court rulings. By examining landmark judgments from the Ld. Central Administrative Tribunal (CAT), Hon'ble High Courts, and the Hon'ble Supreme Court, this document underscores the importance of a coordinated and systemic approach to managing pension litigation to safeguard Government interests while addressing pensioners' grievances.

This compilation serves as a valuable resource for policymakers, legal practitioners, and administrative authorities involved in Pension Governance, offering insights into the interplay of Policy, Law, and Judicial review in shaping pension entitlements for Central Government employees.

(V. Srinivas)

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Background

The Department of Pension and Pensioners' Welfare is the nodal Department for formulation of Pension Policies/Rules in respect of Central Government Civil Employees. This Department administers Central Civil Services (Pension) Rules 2021, Central Civil Services (Extra Ordinary Pension) Rules 2023, Central Civil Services (Commutation of Pension) Rules 1981, Central Civil Services (Implementation of National Pension System) Rules, 2021 and the Central Civil Services (Payment of Gratuity under National Pension System) Rules, 2021. These policies/rules are implemented by the concerned administrative Ministries/Departments from where the employees are retired/served.

2. This Department also co-ordinate matters for welfare of Central Government pensioners and serve as a forum for the redressal of Pensioners' grievances.

3. It is observed that the Pension litigation mainly arises when pensioners' grievances remain unresolved and they face financial hardships due to disputes in the calculation of pension amounts/arrears, delays in processing & sanction of pension, revisions as per Central Pay Commission recommendations, eligibility of dependents for Family Pension, etc. A large number of litigations also arise due to disputes in interpretation of CCS Pension Rules.

4. The system for handling pension litigation is in place and as per the existing instructions of the Government of India (DoPT) vide OM No. 43011/9/2014-Estt.D dated 13.02.2015 and DO letter No. 1/50/3/2016-Cab dated 16th June 2016, the primary responsibility for defending the court cases on behalf of the UOI lies with the administrative Ministry/Department concerned of the applicant. This is to ensure a unified stand and common counter reply on behalf of UOI before the court. Co-ordinated approach should be followed and Nodal Departments be consulted for the interpretation/application of the rules. In no case should the litigation be allowed to prolong to the extent that it results in contempt proceedings.

5. Being Nodal, DoPPW is a highly litigant Department impleaded in almost all the pension related Court cases/Contempt cases filed before various Central Administrative Tribunal (CAT), High Courts, and the Supreme Court involving different Ministries/Departments. At present, this Department is facing challenge of more than 300 such litigation cases.

6. Recently, there have been a number of adverse judgments in court cases relating to pension policy matters with specific reference to Hon'ble HC, Delhi common order dated 20.03.2024 in case of Union of India v All India S-30 Pensioners Association, Union of India v M.R.Tagore, Union of India V Usha Ahuja etc. which were against the

Government of India's extant pension policy. The judgment envisaged review of accepted policy of 6th CPC recommendations with huge and cascading effect. After inter-ministerial consultations and legal consultations, Government of India has notified "Validation of the Central Civil Services (Pension) Rules and Principles for Expenditure on Pension liabilities from the Consolidated Fund of India" on 29.03.2025 and it is part of the Finance Act, 2025.

7. Apart from above, other critical cases challenging the pension policies like seeking OPS instead of NPS, qualifying service for pension, PSU absorption related cases, Invalid Pension, additional Pension, etc. are running across various courts. Since the cases are crucial with substantial financial impact, this Department seeks continuous coordination with administrative Ministry/Departments and standing Counsels for providing instructions/clarifications for effective proceedings.

8. In order to address the policy related aspect, this Department has already issued policies vide OMs No.38/70/14-P&PW(A) dated 07.10.2015 and recent OM No.38/05(25)/2024-P&PW(A) (9633) dated 15.07.2024 making it mandatory for all Ministries/Departments to refer court cases to DoPPW at 1st appellate stage to improve the quality of pleadings and presenting of the Pension Policies/Rules before the Courts, for safeguarding the Government interests. The advisories from DoPPW at 1st appellate stage would enhance the responsibility of the Ministry/ Department for defending Government interest in a systemic manner with minimum delays.

9. Regarding Monitoring of pension related court cases, this Department has taken up the matter with D/o Legal Affairs for technology improvements on LIMBS like auto population of data from court websites, link between Nodal Officers and Central Government Standing Counsels, Multi-Ministry Module etc. for better coordinated approach for handling litigation and avoiding delays.

10. Instructions have been issued from time to time by the Department of Legal Affairs (DLA) regarding handling of litigations. Recently, DLA has issued Directives vide OM No. J-18/5/2016-Judicial dated 04th April 2025 for the effective and efficient management of Litigation by the Government of India and has suggested an operational framework to manage the litigation.

11. All the Ministries/Departments may ensure that the above points are duly taken care of while handling Pension related court cases.

Case Studies

Case 1:

1. Parity in Pension of Pre 2006 retirees with the Post 2006 retirees (S-30 case)

1.1 S-30 pensioners (who retired on or before 31.12.2005 in the pay scale of S-30 i.e. Rs. 22400-525-24500) initially, filed O.A. No. 937/2010 & O.A. No. 2101/2010 before the Ld. CAT PB Delhi claiming pension parity with post 2006 retirees and for higher pension than post 2006 retirees who had worked in lower pay scales viz S-24 – S-29 pay scales. The Ld. CAT, Principal Bench, New Delhi, vide order dated 20.11.2014 in aforesaid OA and order dated 24.09.2015 in RA No. 10/2015 directed that:

(i) for determining revised pension/ family pension of past pensioners with effect from 1.1.2006, the revised 6th CPC pay of the applicants (pre-2006 retirees) corresponding to the pay at which the concerned pensioner had in fact retired (instead of minimum of the said pay scale) may be considered and

(ii) the basic pension of pre-2006 retirees in S-30 should be fixed in a manner that it is not less than Rs.38,500/- being the maximum pension that could be admissible to a person who retired from S-29 scale after 1.1.2006. Hon'ble CAT, however, directed that these benefits would be available from the date of filing respective OAs (and not from 1.1.2006).

1.2 The Writ Petitions WP (C) 8080/2016 have been filed by Union of India and WP (C) 6002/2016 by All India S-30 Pensioners Associations in Hon'ble HC, Delhi against the orders of Hon'ble CAT, wherein the Hon'ble HC Delhi vide common order dated 20.03.2024 allowed WP (C) 6002/2016 and dismissed WP (C) 8080/2016 filed by Union of India allowing the orders dated 20.11.2014 and 24.09.2015 of Hon'ble CAT Delhi in OA 937/2010 and R.A. No.10/2015 respectively and the impugned orders are, accordingly, modified by directing that the relief granted under the orders dated 20.11.2014 and 24.09.2015 would be

granted to the members of the respondent w.e.f. the date of revision of pension i.e. 01.01.2006.

1.3 Following cases also covered in the common order of Hon'ble HC, Delhi dated 20.03.2024:

- 1) Writ Petition (C) No. 8080/2016 – In the matter of Union of India & others vs All India S-30 Pensioners Association and others (DOPPW)
- 2) Writ Petition (C) No. 10655/2017 - In the matter of Union of India & others vs Central Government Pensioners Association of Additional Secretary/Joint Secretary and others (DOPPW)
- 3) Writ Petition (C) No. 7350/2015 - In the matter of Union of India & others vs Forum of Retired IPS Officers and others (MHA)
- 4) Writ Petition (C) No. 3832/2012 - Ranbir Singh vs. Union of India and others (DoT)
- 5) Writ Petition (C) No. 6002/2016 - All India S-30 Pensioners Association and others vs Union of India & others (DOPPW)
- 6) Writ Petition (C) No. 2472/2017 - Central Government Pensioners Association of Additional Secretary/Joint Secretary and others vs Union of India & others (DOPPW)
- 7) Writ Petition (C) No. 2934/2019 in the matter of Union of India and Anr. vs. Pratap Narayan and Ors. (DOPPW)
- 8) Writ Petition (C) No. 6173/2019 Union of India and Anr. vs. Usha Ahuja (DPIIT)

1.4 Further, the SLP Diary No. 29124/2024 in the matter of Union of India & Ors. Vs All India S 30 Pensioners Association & Ors [arising out of impugned final judgement and order of Hon'ble HC, Delhi common order dated 20.03.2024] was also dismissed by Hon'ble SC vide order dated 04.10.2024.

- 1.5 The Hon'ble Court Orders has obliterated such distinction and proceeded on the premise that the Government lacks authority for providing for such distinction of Central Government pensioners based on their date of retirement.
- 1.6 Meanwhile, the petitioners have filed contempt cases for implementation of the Hon'ble HC/CAT orders.
- 1.7 The judgement of court envisages review of accepted policy of recommendations of 6th CPC with huge and cascading financial impacts. To address the issue, the matter was discussed in several inter-ministerial meetings along-with legal consultations and after that the Government of India has notified "Validation of the Central Civil Services (Pension) Rules and Principles for Expenditure on Pension Liabilities from the Consolidated Fund of India" on 29.03.2025 and it is part of the Finance Act, 2025 as Part IV.
- 1.8 UOI has submitted before the Hon'ble HC Delhi that in the light of the extant legislation passed by the Parliament, the Order dated 20.03.2024 is no longer applicable, meaning thereby Government of India is not obliged to implement the order dated 20.3.2024 and hence no contempt is made against the said order, as the section 150 of the Validation of the Central Civil Services (Pension) Rules validates that the Central Government has the authority and will always deemed to have had the authority, to classify its pensioners, and may create or maintain distinction amongst pensioners as deemed expedient for implementing the recommendations of the Central Pay Commissions.
- 1.9 On hearing dated 08.04.2025 the Hon'ble High Court Delhi Single Bench has referred the matter to Division Bench observing that a clarification by the Division Bench of this Court, is necessitated, with regard to the order of 20.03.2024 - as to whether the said Finance Act 2025, shall obliterate and eclipse the orders passed by this Court, thereby giving the authority to the Central Government to recognize and endorse the distinction between the various categories of the pensioners.

- 1.10 During the hearing in Division Bench, Mr. R. Venkatramani, Learned Attorney General who appears for the Union of India, that such a reference could not have been made in a contempt petition. The Hon'ble Division Bench have reservations on whether this submission can be addressed by them as a referral court. Perhaps, such a submission may have to be agitated either by way of appropriate proceedings before the learned Contempt Court or by way of an appeal against the order dated 08.04.2025 (Single Bench).
- 1.11 Union of India has filed a Letter Patent Appeal (LPA) No. 302 of 2025 in Hon'ble HC Delhi against the Hon'ble HC Delhi Single Bench order dated 08.04.2025 with the prayer to set aside/quash the impugned order dated 08.04.2025 passed by the Ld. Single Judge in Contempt Cases. The LPA was heard in Division Bench of Hon'ble Chief Justice, HC Delhi on 13.05.2025 wherein the court held:

“The proceedings pending before the learned Contempt Judge in this case were instituted under Section 12 of the Contempt of Courts Act, 1971 and accordingly, if any question touching upon the issue as to whether there has been disobedience or not would have arisen, such an issue of question could have been referred by the learned Contempt Judge, and such a reference would have been referable to the provisions contained in Rule 2 of the Chapter 2 of the Delhi High Court (Original Side Rules, 2018). However, the reference made by learned Contempt Judge in this case is not confined to the said issue. What the learned Contempt Judge has referred for decision by the Division Bench is as to whether the passage of Finance Act, 2025 would eclipse the order dated 20.03.2024 passed by the Division Bench.

For the reasons given above, in our opinion, the order under appeal is without jurisdiction being outside the scope, ambit and jurisdiction of the learned Contempt Judge available to him under Section 12 of the Contempt of Courts Act, 1971.

Resultantly, we hold that the appeal is maintainable and deserves to be allowed as well. The appeal, thus, is allowed. The order dated 08.04.2024 passed by the learned Contempt Judge, which is under appeal herein, is hereby set aside.

Case: 2

2. Contempt Petition No. 648 of 2024 in OA No. 2086/2018 in Ld. CAT PB Delhi in the matter of Central Govt (S-29) Pensioners Association Vs UOI to revise the entry pay in Level 14 and complete parity of determination of pension between pre 2016 and post 2016 retirees.

2.1 Ld. CAT in the O.A. 2086/2018 vide judgement dated 06.02.2024, directed the respondents to pass appropriate orders, forthwith for re-fixation of the pension of the applicants, i.e. pre 1.1.2006 retirees/pensioners in the light of the order of this Tribunal in OA No.655/2010 and the subsequent directions and provisions of DoPPW OM dated 30.07.2015 so that the disparity, which has been created post implementation of the Sixth Central Pay Commission, is set right. Pursuant to this re-fixation, other necessary consequential benefits as would accrue to the applicants, shall also be sanctioned and extended in the favour of the applicants.

Brief on CAT Order dated 01.11.2011 in OA No. 655/2010 and DoPPW's OM dated 30.07.2015

2.2 6th CPC had recommended that the revised pension of the pre-2006 pensioners shall in no case be lower than 50% of the sum of the minimum of the pay in the pay band and grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired. DoPPW issued an OM dated 1.9.2008 in this regard.

2.3 The pre-2006 pensioners filed OA No. 655/2010 and some other cases before the Ld. CAT, Delhi contesting that minimum of the pay in the pay band refer to the minimum of the fitment Table relevant to the grade from which the

Government servant retired. The Ld. CAT observed that the intent of the recommendation of the Pay Commission was changed. As per the Ld. CAT judgement, the contention of the Government that “minimum of pay in the pay band” referred to in the recommendation of the Pay Commission would mean “minimum of the pay band” is erroneous and it cannot be accepted. In the above OAs, the Ld. CAT vide its order dated 1.11.2011 ordered to refix the pension of all pre-2006 retirees w.e.f. 1.1.2006 based on resolution dated 29.8.2008.

- 2.4 The above judgment of the Ld. CAT, PB was challenged before the Hon’ble High Court through WP No.1535/2012, filed by the Government (DoPPW). However, in the meantime, in pursuance of a separate Government’s decision taken on the basis of recommendations of the Cabinet Secretary’s Committee (One Rank One Pay), DoPPW, vide its OM dated 28.01.2013, ordered for stepping up of the pension of pre-2006 pensioners with reference to the minimum of the fitment Table w.e.f. 24.09.2012 i.e., the date of the Cabinet decision.
- 2.5 The Hon’ble High Court of Delhi, in its judgement dated 29.04.2013 referred to the OM dated 28.1.2013 and stated that Government has tacitly admitted that it was in the wrong and that the Hon’ble Tribunal is correct. The only issue that survives now is with regard to the arrears and the WP was dismissed by the Hon’ble High Court.
- 2.6 The judgment of the Hon’ble High Court was challenged before the Hon’ble Supreme Court through SLPs which were also dismissed by the Hon’ble Supreme Court. Accordingly, in compliance with the above judicial pronouncements, DoPPW vide OM dated 30.07.2015 issued instructions that the pension/family pension of all pre-2006 pensioners/family pensioners may be revised in accordance with DoPPW’s OM dated 28.1.2013 with effect from 1.1.2006 instead of 24.09.2012.

- 2.7 Thus, the OM dated 30.07.2015 issued in compliance of Hon'ble CAT order dated 01.11.2011 in OA No. 655/2010 is for fixation of pension of pre-2006 pensioners based on the principle of modified parity. There were no questions of full parity with post-2006 pensioners involved in the said OA or DoPPW OM dated 30.07.2015.

Contempt Petition before Ld. CAT PB Delhi:

- 2.8 The petitioners have filed a Contempt Petition No. 648 of 2024 before Ld. CAT PB Delhi in the O.A. 2086/2018 for implementation of judgement dated 06.02.2024.
- 2.9 In compliance of Ld. CAT order, DoPPW has issued a letter dated 30.04.2025 to All Ministries/Departments along with Petitioner Associations stating that:

"This Department has already issued instructions to all Ministries/Departments vide OM No. 38/37/08 - P&PW(A) dated 28.01.2013 and 30.07.2015 (marked to Pensioners Associations also) for revision of pension in terms of orders of the Hon'ble CAT, PB, Delhi in OA 655/2010. Further, DoPPW vide letter dated 18.12.2024 to all Ministries/Departments reiterated that in case pension of the petitioners of the concerned Ministries/Departments have not been revised w.e.f. 01.01.2006 in terms of said OMs dated 28.01.2013 and 30.07.2015 by their concerned Ministries/Departments from where they have retired, the same may be revised under intimation to this Department.

However, in case, pension of the petitioners has not been revised w.e.f. 01.01.2006 in terms of said OMs dated 28.01.2013 and 30.07.2015 by their concerned Ministries/Departments from where they have retired, same may be taken up suitably with the concerned administrative Ministries / Departments under intimation to this Department.

- 2.10 Finally, the Ld. CAT vide order dated 08.05.2025 closed the contempt petition stating that:

“the nodal Ministry is DOPPW which has done its part. The necessary follow-up action is to be taken up by the various Ministries and Departments, from where the applicants have retired. However, these Ministries and Departments are not before us. The order has been substantially complied with by the respondents. There is no willful disobedience to invite intervention.

In view of above, the C.P. is closed with liberty to the applicants / petitioners as per law.

The applicants/petitioners may be nursing a grievance. However, the remedy lies elsewhere.”

Case 3:

3. Pension Forfeiture for Absorbed PSU Employees– A Deep Dive into Rule 37(29)(c) and the Hon’ble Supreme Court’s Stance

- 3.1 The question of pension entitlements for Government employees, who transitioned to Public Sector Undertakings (PSUs) has long been a complex one, especially when misconduct leads to dismissal. At the heart of this intricate issue lies Rule 37(29)(c) of the Central Civil Services (Pension) Rules, 2021 (formerly Rule 37-A (25c) of CCS (Pension) Rules, 1972).

The Core Conflict: Pension Protection Versus Disciplinary Action

- 3.2 The fundamental tension arose from conflicting provisions governing pension benefits. For Central Government employees, the rules are unambiguous: dismissal or removal from service results in the forfeiture of all past service and pensionary benefits under Rule 41(1) of CCS (Pension) Rules, 2021. However,

Rule 37(29)(c) for absorbed PSU employees stipulated that "the dismissal or removal from service of the Public Sector Undertaking of any employee after his absorption in such undertaking for any subsequent misconduct shall not amount to forfeiture of the retirement benefits for the service rendered under the Government." This rule also mandated that the PSU's decision on dismissal, removal, or retrenchment would be subject to review by the concerned administrative Ministry, in this instance, DoT.

- 3.3 Prior to the recent Hon'ble Supreme Court judgement, this provision often led to a scenario where absorbed employees, even those dismissed from PSUs for severe misconduct or criminal convictions, successfully claimed pension for their prior Government service. This created a notable disparity; a Government employee in an identical situation would typically lose all pensionary rights. This "better benefit" for absorbed employees became a point of contention for DoT, especially considering that the pension liability for both Government and PSU service is borne entirely by the Government.

3.4 **The Landmark Decision: Suraj Pratap Singh Vs CMD BSNL & Ors.**

The pivotal case that brought this contentious issue into sharp focus was SLP No. 4817/2020, titled Suraj Pratap Singh Vs CMD BSNL & Ors. This case ultimately provided much-needed clarity on the interpretation of Rule 37(29)(c).

3.5 **Background of Shri Suraj Pratap Singh's Case:**

Shri Suraj Pratap Singh began his career as a Junior Engineer in the Department of Telecommunications (DoT) in 1977. He was later absorbed into BSNL and retired on superannuation on December 31, 2008. Crucially, before his retirement, on April 1, 2008, he was apprehended by the CBI for accepting a bribe. Following due judicial process, he was convicted on September 20, 2012,

under the Prevention of Corruption Act, 1988, and sentenced to two years' imprisonment.

3.6 The Legal Journey and Evolving Interpretations:

1. **Forfeiture Order:** Subsequent to his conviction, on December 30, 2015, the competent authority, acting under Rule 9 of CCS (Pension) Rules, 1972 (read with Rule 61 of BSNL CDA Rules, 2006), ordered the permanent forfeiture of his entire pension and retirement gratuity. This order was also ratified by DoT. Shri Singh, however, contended that Rule 37A entitled him to pensionary benefits.
2. Hon'ble **CAT's Ruling:** Aggrieved by the forfeiture, Shri Singh filed an Original Application (OA No. 1087/2016) before the Hon'ble Central Administrative Tribunal (CAT), Jabalpur. The Ld. CAT, on May 2, 2018, ruled in his favor, stating that the forfeiture was "not the essence" of Rule 37-A(24)(c) (the renumbered version of 25(c) at the time).
3. Hon'ble **High Court's Reversal:** BSNL challenged the Hon'ble CAT's decision in the Hon'ble High Court of Madhya Pradesh (MA No. 5436/2018). On December 18, 2019, the Hon'ble High Court set aside the Hon'ble CAT's order and upheld the forfeiture. The Hon'ble High Court drew a crucial distinction: Rule 37A(24)(c) was applicable to employees "in service" when a dismissal decision was made. Since Shri Singh had retired *before* his conviction and subsequent forfeiture proceedings, Rule 61 of BSNL CDA Rules 2006 and Rule 8(1)(b) of 1972 Rules (for withholding pension of a convicted pensioner) were deemed applicable.
4. Hon'ble **Supreme Court's Affirmation:** Shri Suraj Pratap Singh then appealed to the Hon'ble Supreme Court (SLP No. 4817/2020). On January 9, 2023, the Hon'ble Supreme Court dismissed his Special Leave Petition, thereby upholding the Hon'ble High Court's decision. This ruling was monumental. The Hon'ble Apex Court explicitly stated that Rule 37A(24)(c)

"extends the same benefit as available to a Government servant, even after his absorption into a Public Sector Undertaking. Rule 37 does not confer a better benefit upon a Government Servant absorbed in Public Sector Undertaking." The Hon'ble Court concluded that "Rule 37A(24)(c) is subject to other provisions of the Central Civil Services (Pension) Rules 1972." The forfeiture order, being based on Rule 9 (now Rule 8) read with Rule 61, was thus deemed valid. This judgment effectively dismantled the notion that Rule 37(29)(c) offered an unqualified shield against pension forfeiture for absorbed employees. Thus, helping DoT, which manages the pensionary benefits of a significant number of BSNL/MTNL absorbees.

3.7 DoT's Proposal for Review:

Empowered by the Hon'ble Supreme Court's clear pronouncement that absorbed employees should not receive a "better benefit" than their Government counterparts, DoT formally proposed a comprehensive review of Rule 37(29)(c) of the CCS (Pension) Rules, 2021, following a significant Hon'ble Supreme Court judgment in the Suraj Pratap Singh case on January 9, 2023. This ruling clarified that absorbed PSU employees should not receive "better benefits" than their Central Government counterparts, specifically addressing the anomaly where absorbed employees dismissed for criminal misconduct were still granted pension for their prior government service. DoT argues that the previous interpretation of this rule provided undue "blanket protection," violated the fundamental right to equality by contradicting Rule 41 of the CCS (Pension) Rules, 2021, and potentially discouraged diligent employees. Consequently, DoT sought an amendment to ensure pension forfeiture for such employees aligns analogously with how it applies to direct Government servants, reflecting the Hon'ble Supreme Court's emphasis on equitable treatment.

DoT specifically requested that the rule be amended to ensure it "does not confer a better benefit" upon an absorbed government servant in a PSU, aligning fully with the Hon'ble Supreme Court's observation.

3.8 Resolution by DoPPW:

The proposal was considered deeply among five departments vis DLA, DOE, DOT, DOPT and DoPPW and finally on May 27, 2025, a PIB press release confirmed that Rule 37(29)(c) had been amended. This amendment explicitly states that dismissal from PSU service for misconduct *shall lead to forfeiture of retirement benefits for the service rendered under the Government also*. Furthermore, it clarifies that relevant provisions of Rules 7, 8, 41, and 44(5) (a)&(b) of the CCS (Pension) Rules, 2021, would apply analogously. This legislative action solidifies the Hon'ble Supreme Court's interpretation, ensuring that the principle of equal treatment regarding pension forfeiture for misconduct now applies uniformly to both direct Government employees and those absorbed into PSUs. This amendment effectively addresses the long-standing disparity and brings consistency to the pension rules across these categories of employees.

3.9 In this regard, a Gazette Notification dated 23.05.2025 has also been issued.

Case 4:

4. Court cases on Rule 10 A

4.1 Rule 10A of the Central Civil Services (Commutation of Pension) Rules, 1981, is a central point of contention in many court cases concerning the restoration of commuted pension. This rule stipulates that the commuted portion of a pension shall be restored after 15 years from the date the reduction of pension due to commutation becomes operative.

4.2 Key court cases and the issues surrounding Rule 10A:

1. "Common Cause" Society and Others vs. Union of India (1986 Hon'ble Supreme Court Judgment):
 - a) This is a landmark judgment that significantly shaped the policy on commuted pension restoration.
 - b) Before this judgment, there was no provision for the restoration of commuted pension. Pensioners who commuted a portion of their pension had that portion reduced for their entire lives.
 - c) The Hon'ble Supreme Court, in this case, considered factors like interest rates, mortality rates, and the commutation table in existence in 1986. The Hon'ble Court directed the Union of India to restore the commuted portion of the pension after 15 years from the date of commutation. This was viewed as an act of goodwill and relief for pensioners.
 - d) The Hon'ble Court noted that while the commuted amount might be recovered within a shorter period (petitioners argued around 12 years), the 15-year period accounted for the "risk factor" (the possibility of the pensioner dying before the commuted amount is fully recovered).
2. Forum of Retired IPS Officer (FORIPSO) vs. Union of India and Another (2019 Hon'ble Delhi High Court Judgment, upheld by Hon'ble Supreme Court):
 - i. The Forum of Retired IPS Officers challenged Rule 10A, arguing that the 15-year recovery period was arbitrary and lacked a mathematical basis. They contended that the commuted amount was often recovered in a shorter period (e.g., 10.46 years in some cases).
 - ii. They highlighted that life expectancy had increased significantly since 1986, and the commutation factor had been downgraded. They also pointed out that the Fifth Central Pay Commission had recommended reducing the restoration period to 12 years, a recommendation not accepted by the Central Government, though some states had adopted it.

- iii. The Hon'ble Delhi High Court rejected the petitioner's contentions and dismissed the writ petition.
- iv. Key Observations by the Hon'ble Court:
 - a. Commutation of pension is an option exercised by choice, not mandatory.
 - b. Issues related to commutation are policy matters, examined and decided based on recommendations of Pay Commissions.
 - c. Courts should generally not interfere in such policy matters unless there is "complete arbitrariness and discrimination that is ex-facie apparent" or a "grave error" that necessitates interference to do justice.
 - d. The Hon'ble Court explicitly stated that interference in such matters could lead to "all kinds of problems and cascading effects."
- v. The Hon'ble Supreme Court later dismissed the Special Leave Petition against this Delhi High Court judgment, effectively upholding the Hon'ble High Court's view that the restoration period is a policy matter for the Government to decide.

3. Highlights of the recent Demands:

- Central Administrative Tribunal (CAT) Cases: Many individual pensioners and associations had filed and continue to file cases in various Hon'ble CAT Benches challenging the 15-year rule, seeking a reduction to 12 years. Some CAT benches have, at times, granted interim reliefs but later on stayed by higher courts, reaffirming the 15-year rule based on settled law.
- Demands by Pensioner Associations: Various Pensioner bodies and staff unions consistently advocate for the restoration period to be reduced to 12 years, citing increase in life expectancy and the faster recovery of the commuted amount. The NC-JCM (National Council of Joint Consultative Machinery) has suggested including this as a term of reference for the 8th Pay Commission.
- Government's Stance: The Government has maintained that the 15-year period is based on expert recommendations and takes into account various factors,

including the risk factor. The last two Pay Commissions (6th and 7th) did not recommend a change to the 15-year restoration period.

4.3 Despite ongoing demands for a shorter restoration period, the legal position, as of now, remains at 15 years.

Case 5:

5. Pension Fixation of all pre - 2006 retirees with twenty years of qualifying service

- 5.1 **Brief:** DoPPW issued an OM dated 28.01.2013, wherein it was reiterated that as per Para 4.1 and 4.2 of OM dated 01.09.2008, pension of pre-2006 pensioners would be stepped up to 50% of sum of minimum of pay in the pay band and grade pay corresponding to the pre-revised pay scale from which the pensioner retired. A revised concordance table was also enclosed to facilitate revised payment in this regard.

Another OM dated 06.04.2016 was issued by DoPPW. As per Para 6 of this OM, revised consolidated pension of pre-2006 pensioners shall not be lower than 50% of the minimum of pay in the Pay Band and in the grade pay, corresponding to the pre-revised pay scale as per fitment table without pro-rata reduction of pension even if they have qualifying service of less than 33 years at the time of retirement.

- 5.2 Pre-2006 retirees who did not complete 33 years of service are seeking revision of pension for pre-2006 retirees in spite of ensuring pension at the rate of 50% of pay in pay band and Grade Pay in terms of Para 4.2 of DoPPW OM dated 01.09.2008 read with DoPPW OM dated 06.04.2016 and claim parity with those who had completed 33 years of service.
- 5.3 The interpretation is that for fixing pension in 6th CPC, the pro-rata reduction due to lesser service than 33 years would apply, but if the effect of such reduction is

that, if the amount of pension falls less than 50% of minimum of pay in pay band plus grade pay, in that case, there will be protection.

5.4 In this regard, two matters heard before Hon'ble SC as under:

- (i) Hon'ble SC vide order dated 18.12.2024 in SLP Dy No. 59031 of 2024 in the matter of UOI & Ors. Vs Smt. Sreedevi V & Ors. [against order dated 03.07.2024 passed by the Hon'ble High Court of Kerala at Ernakulam in OP (CAT) No.49/2024] directed the petitioner, Union of India, to make the payment of the enhanced pension in terms of the impugned judgment, subject to the outcome of the present special leave petition.
- (ii) Hon'ble SC vide order dated 15.01.2025 in SLP Dy No. 55819/2024 in the matter of UOI & Ors. Vs M. R. Tagore [against order dated 06.10.2023 in RA No. 2/2023 and order dated 09.02.2023 in WP C No. 25154/2019 passed by the Hon'ble High Court of Telangana at Hyderabad] held:

“the question(s) of law raised by Ms. Aishwarya Bhati, learned ASG are kept open for being considered in an appropriate case.”

5.5 **DoPPW Views:** The Government of India has notified “Validation of the Central Civil Services (Pension) Rules and Principles for Expenditure on Pension Liabilities from the Consolidated Fund of India” on 29.03.2025 and it is part of the Finance Act, 2025 as Part IV. The section 150 of the Validation of the Central Civil Services (Pension) Rules validates that the Central Government has the authority and will always deemed to have had the authority, to classify its pensioners, and may create or maintain distinction amongst pensioners as deemed expedient for implementing the recommendations of the Central Pay Commissions. The date of retirement of pensioners must be and would be the basis of distinctions and for classification in regard to pension entitlement.

Case 6:

6. Pensioners seeking benefit of revision of pension on the basis of up gradation of posts/pay scales which happened subsequent to their retirement.

- 6.1 **Brief:** Pre-2006 retirees are seeking benefit of revision of pension on the basis of up gradation of posts/pay scales which happened subsequent to their retirement against the instructions dated 11.02.2009 of DoPPW which stipulates that the benefit of upgradation of posts subsequent to their retirement would not be admissible to the pre-2006 pensioners.
- 6.2 The Hon'ble HC Delhi vide judgment dated 03.08.2016 in case of Ram Phal Vs UOI allowed the benefit of upgradation of post subsequent to retirement for the purpose of fixation of Pension (now pending before the Hon'ble Supreme Court in SLP No. 29383/2018 wherein operation stayed on 29.10.2018) and relying on this, the Hon'ble HC Delhi pronounced the judgment dated 14.09.2017 in Rajendra case in Writ Petition (C) No. 8113 of 2016. At present, Special Leave Petition 16321/2018 filed by UOI (against the Final Impugned Judgment and Order dated 14.09.2017 passed by the Hon'ble High Court of Delhi in Writ Petition (C) No. 8113 of 2016) is pending before Hon'ble SC.
- 6.3 Further, Ld. CAT PB, Delhi, in its order dated 6.11.2017 in the matter of Amrendra Nath Mishra & Ors Vs UOI & Ors in O.A. No. 1586/2010 has observed that the pension of pre-2006 pensioners is to be revised w.e.f. 1.1.2006 in terms of this Department's OM dated 28.1.2013 read with OM dated 30.7.2015 (which was issued in implementation of the Ld. CAT's order dated 1.11.2011 in O.A. No. 655/2010). Since the upgraded pay scale of Rs. 80,000/- fixed is applicable to those officers who came to occupy the post of Members of CBDT and CBEC on selection, Shri Mishra cannot be given the benefit of this scale for fixation of

pension. The Ld. CAT, accordingly, dismissed the OA filed by Shri Amrendra Nath Mishra and some other similarly placed retired officers of CBDT/CBEC.

Case 7:

7. Additional Pension

- 7.1 One of the major objectives of the Department is to ease the lives of the pensioner and in this regard, Additional Pension as provided under Rule 44 (6) of CCS Pension Rule 2021 (erstwhile Rule 49) is one where Pension of the old Pensioners increases after completion of eighty years of age. The additional pension to old pensioners/family pensioners was introduced on the recommendations of the 6th Central Pay Commission in view of their needs, especially those relating to health, which increases with age.
- 7.2 Rule 44 (6) of the CCS (Pension) Rule 2021 provides that after completion of eighty years of age or above by a retired Government servant, in addition to a pension or a compassionate allowance admissible under this rule, additional pension or additional compassionate allowance shall be payable to the retired Government servant in the following manner, namely: -
- (i) From 80 years to less than 85 years - 20% of basic pension/ compassionate allowance
 - (ii) From 85 years to less than 90 years - 30% of basic pension/ compassionate allowance
 - (iii) From 90 years to less than 95 years - 40% of basic pension/ compassionate allowance
 - (iv) From 95 years to less than 100 years - 50% of basic pension/ compassionate allowance
 - (v) 100 years or more - 100% of basic pension/ compassionate allowance

The additional pension or additional compassionate allowance shall be payable from the first day of the calendar month in which it falls due.

Illustration: A pensioner born on 20th August 1942 shall be eligible for additional pension at the rate of twenty percent of the basic pension with effect from 1st August, 2022. A pensioner born on 1st August 1942 shall also be eligible for additional pension at the rate of twenty percent of the basic pension with effect from 1st August, 2022.

- 7.3 Despite the welfare-oriented approach adopted by the Government, several petitions have been filed in various courts challenging the policy and demanding the grant of additional Pension at a reduced age i.e. on completion of 79 years of age/start of 80th year of age. The case of ***Umashankar Joshi vs. Union of India*** is one such instance. Sh. Umashankar Joshi (D.o.B 01.10.1939), retired from Ordnance factory Itarsi (MP), filed O.A. No. 200/00971/2021 before Ld. CAT Jabalpur for grant of additional 20% pension on entering the 80th year of age i.e. 01.10.2018 instead of on completion of 80 years on 01.10.2019. The Hon'ble CAT, Jabalpur Bench vide order dated 04.01.2024 allowed the OA based on the other Judgement dated 15.3.2018 of Hon'ble Guwahati High Court in WP (C) No. 4224/2016 in Virendra Dutt Gyani vs. UOI case which relates to the retired judges of Hon'ble High Court/Supreme Court.
- 7.4 Misc. Petition before Hon'ble HC Jabalpur has been filed by D/o Defence Production against said Order dated 04.01.2024 of Hon'ble CAT Jabalpur. The Hon'ble HC has stayed the Ld. CAT's order. Matter is sub-judice.
- 7.5 Another OA No. 1379 of 2024 has been filed before the Hon'ble CAT, Mumbai by Shri Satyendra Kumar Singh Vs. Geological Survey of India. This OA is also seeking similar relief as that of Virendra Dutt Gyani. Matter has been taken up with M/o Mines and they have been provided a brief in the matter with interpretation of concerned CCS (Pension) Rules 2021. The matter is pending.

- 7.6 The Judgement dated 15.3.2018 of Hon'ble Guwahati High Court in WP(C) No. 4224/2016 in V.D. Gyani (a retired High Court Judge) vs. UOI (Ministry of Law & Justice) case, was an interpretation of the High Court Judges (Salaries and Conditions of Service) Act, 1954. The service conditions of the High Court/Supreme Court Judges are regulated by an Act of Parliament. This judgement is at variance to the orders/rules issued by the Government of India regarding additional pension under CCS (Pension) Rules 1972/2021.
- 7.7 In similar cases for additional pension on entering the 80th year of age, some other judgements of Hon'ble Karnataka High Court are there which contradict the above judgements. In its Order dated 16.12.2015 in Writ Appeal No. 100481/2015 (Commissioner, Hubballi-Dharwad Municipal Corporation vs. SV Budanhalli), Hon'ble High Court of Karnataka set aside an earlier order dated 27.4.2015 by the Single Judge and observed that attaining the age of 80 years means completion of age of 80 years. In another judgement dated 30.10.2019 (which is later than the order dated 15.3.2018 of Hon'ble Guwahati High Court) in WA No. 2487/2012 (Principal AG, Karnataka vs RG Desai), Hon'ble High Court of Karnataka observed that additional pension shall be admissible only on attaining/completion of the age of 80 years.
- 7.8 The policy under Rule 44(6) of CCS (pension) Rules 2021 clearly provides that the additional pension/family pension @20% of basic pension/family pension shall be admissible on completion of the age of 80 years and not on entering 80th year of age. In the service rules applicable to the Government servants, the phrase "attaining the age of" means 'completion of certain age'. For example, as per FR 56, a Government servant is to retire on attaining the age of 60 years and accordingly, Government servants retire after completion of the age of 60 years.
- 7.9 There is, therefore, no scope for any other interpretation of these instructions/rules.

No.38/70/14-P&PW(A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Pension and P.W

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.
Dated the 7th October, 2015

Office Memorandum

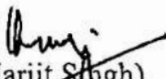
Sub:- Court Orders against DoP&PW Government of India Instructions on service matters – Consultation with Ministry of Law and DoP&PW on the question of filing appeals before implementation of Court's orders.

The undersigned is directed to say that it has come to the notice of this Department that in some cases where the Courts have passed orders against the Government of India, the administrative Ministry/Department has not consulted this Department on the question of filing appeal against such orders, before implementation of such orders.

2. Instructions have been issued from time to time that whenever there is any Court order against the Government of India instructions on service matters, the administrative Ministry/Department/Office shall consult the Department of Legal Affairs, Department of Personnel & Trg. and the Department of Pension & Pensioners' Welfare on the question of filing appeal against such an order before the time limit, if any, prescribed in such order or before the time limit for filing appeal under the rules.

3. It is therefore, reiterated that in all cases where any policy issue relating to pension matters is involved, the Department of Pension & PW should invariably be consulted before taking a decision on the question of implementation or otherwise of any order of a Court. No such order shall be implemented by the concerned Departments/Ministries without first referring the matter to this Department for advice.

4. In order to avoid any delay in processing of such matters, administrative Ministry/Department can consult this Department for any advice by personally visiting to this Department from 11:00 A.M. to 1:00 P.M. on every Wednesday.


(Harjit Singh)
Deputy Secretary
Tel No.24644634

To

All Ministries/Departments of the Government of India.

Copy for information to:- Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.

No.38/05(25)/2024-P&PW(A)(9633)

भारत सरकार Government of India

कार्मिक, लोक शिकायत और पेंशन मंत्रालय Ministry of Personnel, PG & Pensions
पेंशन और पेंशन भोगी कल्याण विभाग Department of Pension & Pensioners' Welfare

लोक नायक भवन 3rd Floor, Lok Nayak Bhawan
खान मार्केट नई दिल्ली Khan Market, New Delhi-110 003

दिनांक Dated: 15.07.2024

कार्यालय ज्ञापन/Office Memorandum

विषय: Policy for references of Court Cases to Department of Pension and Pensioners' Welfare - Instructions - reg.

The undersigned is directed to refer to this Department's OM No.38/70/14-P&PW(A) dated 07.10.2015 regarding consultation with this Department in all cases for implementation or otherwise of the court orders, where any policy issue relating to pension matters is involved.

2. The Department of Pension and Pensioners' Welfare, being nodal Department on pension matters, is impleaded along with the concerned administrative Ministries/Departments, either as main party or proforma party in almost all CAT/High Court/Supreme Court cases.

3. As per the instructions of DoPT vide OM No. 43011/9/2014-Estt.D dated 13.02.2015 and DO letter No. 1/50/3/2016-Cab dated 16th June 2016, the primary responsibility for defending the court case on behalf of the Government lies with the administrative Ministry/ Department concerned. If, however, any clarification is required on the interpretation or application of the rules or instructions relevant to the case, the concerned Ministry/ Department may consult the nodal Department, for that purpose a unified stand should be taken before the court of law and a common counter reply should be filed on behalf of the Government by the concerned administrative Ministry/ Department. In no case should the litigation be allowed to prolong to the extent that it results in contempt proceedings.

4. Under the extant policy, this Department is receiving Inter- Ministerial references in matters where SLP cases are to be filed. However, it has been observed that admission for filing SLP in concurrent judgments of Hon'ble CATs and High Courts have been minimal, as issues of facts/policy have already been addressed. Therefore, there is a pressing need to improve the quality of presenting Govt policy/rules in pleadings before the High Courts for safeguarding the interest of the UOI before the Courts of Law.

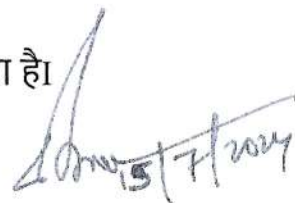
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5. Hence, it is decided that all matters where Ministries/Departments seek to approach High Courts in CCS (Pension) Rules/Policy related issues, be referred to Department of Pension and Pensioners' Welfare alongwith the views of the administrative Ministry/ Department in a timely manner and comments/opinion of this Department received, if any, may be incorporated in the submissions made before Hon'ble High Courts in the matters involving major pension policy issues.

6. The administrative Ministry/Department while referring the proposal should invariably indicate all facts pertaining to the case in a Self Contained Note. The note should also include the relief sought by the petitioner/applicant, earlier advice/opinion of DoPPW, submission made by the Department before the Court/CAT, opinion of the Government Counsel on the judgment, opinion of D/o Legal Affairs and D/o Expenditure/DoPT, if any. All the references should be made to this Department alongwith views in the matter and with the approval of the Secretary of the Administrative Ministry/Department well in advance.

7. The above instructions may be brought to the notice of all concerned for strict compliance. These instructions are issued in consultation with Department of Expenditure.

8. यह इस विभाग के सक्षम प्राधिकारी के अनुमोदन से जारी किया गया है।



(Dhruvajyoti Sengupta)

Joint Secretary to the Government of India

Tel. No 24625540

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To

The Secretaries of all Ministries/Departments of the Government of India

Copy for information to :

- i. The Secretary, Department of Expenditure
- ii. The Secretary, Department Personnel and Training
- iii. The Secretary, D/o Legal Affairs
- iv. All officers in the DoPPW



सत्यमेव जयते

भारत सरकार

Government of India

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

Ministry of Personnel, Public Grievances & Pensions

पेंशन एवं पेंशनभोगी कल्याण विभाग

Department of Pension & Pensioners' Welfare



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Pension Forfeiture for Absorbed PSU Employees [Rule 37(29)(c)]

The Hon'ble Supreme Court's decision in Suraj Pratap Singh Vs CMD BSNL & Ors. on January 9, 2023, decisively clarified Rule 37(29)(c) of the CCS (Pension) Rules, 2021 (formerly Rule 37-A (25c) of CCS(Pension) Rules, 1972), ruling that absorbed PSU employees dismissed for misconduct should not receive "better benefits" than their direct government counterparts in terms of pension forfeiture.

This landmark judgment, which upheld the forfeiture of pension for a BSNL employee convicted of Department Telecommunications (DoT) to propose an amendment to the rule. Consequently, on May 27, 2025, Rule 37(29)(c) was officially amended via a Gazette Notification dated May 23, 2025, to explicitly state that dismissal from PSU service for misconduct will now result in the forfeiture of retirement benefits for service rendered under the Government, ensuring consistent application of pension forfeiture rules across both categories of employees.

Rule 10A – Commuted Pension Restoration

Rule 10A of the CCS (Commutation of Pension) Rules, 1981, which provides the restoration of commuted pension after 15 years, has been a persistent subject of legal challenges. The landmark 1986 Hon'ble Supreme Court judgment in "Common Cause" Society and Others vs. Union of India initially established this 15-year period as an act of relief, factoring in a "risk factor" for the government. However, subsequent challenges, notably by the Forum of Retired IPS Officers (Foripso) in 2019, argued for a shorter restoration period based on increased life expectancy and faster recovery of commuted amounts. The Hon'ble High Court Delhi and subsequently the Hon'ble Supreme Court dismissed these pleas, upholding the 15-year rule as a policy matter beyond judicial interference unless there's "complete arbitrariness." Despite ongoing demands from pensioner associations and various Ld Central Administrative Tribunal (CAT) cases seeking a reduction to 12 years, the legal position, as supported by the government's consistent stance and the last two Pay Commissions, firmly remains at 15 years.

Pension Fixation for Pre-2006 Retirees with less than 33 Years Service

Issue: Pre-2006 retirees with less than 33 years service seek pension parity with 33-year retirees, citing DoPPW OMs (01.09.2008, 06.04.2016). Above OMs ensure pension at 50% of minimum pay in pay band plus grade pay, protecting against pro-rata reduction if pension falls below this. Hon'ble SC Orders: SLP 59031/2024 (18.12.2024): Directed enhanced pension payment pending final outcome. SLP 55819/2024 (15.01.2025): Kept legal questions open. DoPPW View: Finance Act, 2025 (Section 150) validates pensioner classification by retirement date.

Pension Revision Based on Upgradation of Post after retirement

Issue: Pre-2006 retirees seek pension revision based on post-retirement pay scale/post upgradation, against DoPPW OM (11.02.2009). Key Cases: Ram Phal (Hon'ble HC, Delhi 2016): Allowed upgradation benefit; stayed by Hon'ble SC (2018). Rajendra (Hon'ble HC, Delhi, 2017): Relied on Ram Phal; pending in Hon'ble SC. Amrendra Nath Mishra (Ld CAT, 2017): Denied benefit, as upgradation applied only to post-holders. Implication: Hon'ble SC stay and Ld CAT ruling limit upgradation benefits; issue awaits Hon'ble SC resolution.

Additional Pension

Rule 44(6) of CCS(Pension) Rules 2021 provides for additional pension @20% on completion of 80 years of age or above. Some court cases are being filed for grant of additional pension on completion of 79/start of 80th year based on Hon'ble HC Guwahati Order dated 15.03.2018 in Virendra Dutt Gyani vs. UOI case which relates to the retired judges of Hon'ble HC/SC.

The Judgement of Hon'ble HC, Guwahati is an interpretation of the Hon'ble HC Judges (Salaries and Conditions of Service) Act, 1954. This judgement is at variance to the order issued by the GOI in this regard.

In similar cases Hon'ble HC Karnataka has given judgements dated 16.12.2015 and 30.10.2019 observing that additional pension shall be admissible only on attaining/completion of the age of 80 years.

The policy under Rule 44(6) of CCS(Pension) Rules 2021 clearly provides that the additional pension/family pension @20% of basic pension/family pension shall be admissible on completion of the age of 80 years and not on entering 80th year of age. In the service rules applicable to the Government servants, the phrase 'attaining the age of' means 'completion of certain age'.

Central Govt (S-29) Pensioners Association Vs UOI (Pre-2016 retirees seeking Post-2016 Parity)

Issue: S-29 pre-2006 pensioners sought pension re-fixation as per Ld CAT's OA 655/2010 and DoPPW OM dated 30.07.2015 to eliminate 6th CPC disparities.

Ld CAT Order (06.02.2024) in OA 2086/2018 : Directed re-fixation as per OA 655/2010 and OM dated 30.07.2015, ensuring modified parity (not full parity with post-2006 retirees).

Background: Ld CAT in OA 655/2010 (01.11.2011) ruled pension be fixed at 50% of minimum pay in pay band plus grade pay in fitment table, upheld by Hon'ble HC [2013] and Hon'ble SC.

DoPPW OM (30.07.2015) implemented this from 01.01.2006.

Contempt Petition 648 of 2024 by Petitioner - Alleged non-compliance of Ld CAT Order.

DoPPW cited compliance via OMs (28.01.2013, 30.07.2015) and letter (18.12.2024), instructing all Ministries/Departments Association.

Ld CAT Order (08.05.2025): Closed contempt, DoPPW's compliance noted by Ld CAT.

Contact Us

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- www.x.com/DOPPW_India
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पेंशन एवं पेंशनभोगी कल्याण विभाग

DEPARTMENT OF
PENSION & PENSIONERS' WELFARE



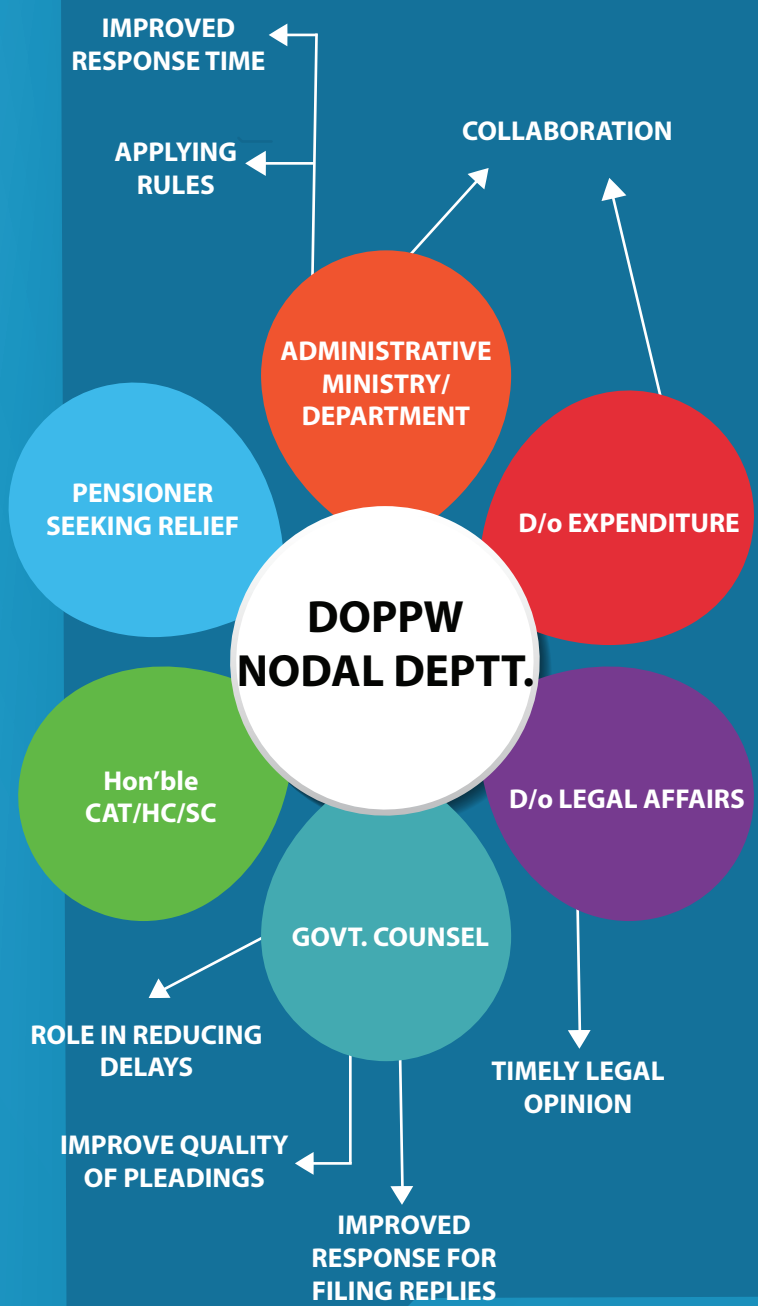
National Workshop
on Pension Litigation
2nd July, 2025

An Initiative for Smarter
Legal Managment

Ministry of Personnel, Public
Grievances and Pensions

Takeaway of Capacity Building Karamyogi Programme

The diagram below depicts the overall collaboration by DoPPW with all stakeholders for evolving a smarter and intelligent regime of handling Pension Litigation through effective interpretation of rules and advisory for other Ministries/Departments



Pension Litigation Management: Key Pointers

- ▶ Strengthening Capacity of legal cells.
- ▶ Classification of pension cases. Highly sensitive based on significant financial stakes and impact on Government Policy on CCS Pension Rules.
- ▶ Timely submission of Reply affidavits and concurrent filing of RP/Appeals.
- ▶ Focussed briefing of panel counsels before each hearing.
- ▶ Attending of proceedings by concerned officers.
- ▶ Better coordination through inter-ministerial consultation for clarification/interpretation of Policies/Rules.
- ▶ Whole of Govt. approach - Inputs from Nodal Departments before filing review/appeal.
- ▶ Adherence to DoPPW Policy on references of Court cases through OMs dated 07.10.2015 and 15.07.2024.
- ▶ Regular updation of LIMBS portal.
- ▶ Proper Monitoring and consultation at HQ level in case the matter is being defended by a field/subordinate office.

Policy Issued : OMs issued by DoPPW dated 07.10.2015 and 15.07.2024

In all cases where any policy issue relating to pension matters is involved, the Department of Pension & PW should invariably be consulted before taking a decision on the question of implementation or otherwise of any order of a Court. No such order shall be implemented by the concerned Departments/Ministries without first referring the matter to this Department for advice.

As per the instructions of DoPT vide OM No. 43011/9/2014-Estt.D dated 13.02.2015 and DO letter No. 1/50/3/2016-Cab dated 16th June 2016, the primary responsibility for defending the court case on behalf of the Government lies with the administrative Ministry/ Department concerned. If, however, any clarification is required on the interpretation or application of the rules or instructions relevant to the case, the concerned Ministry/ Department may consult the nodal Department, for that purpose a unified stand should be taken before the court of law and a common counter reply should be filed on behalf of the Government by the concerned administrative Ministry/ Department. In no case should the litigation be allowed to prolong to the extent that it results in contempt proceedings. Under the extant policy, this Department is receiving Inter-Ministerial references in matters where SLP cases are to be filed. However, it has been observed that admission for filing SLP in concurrent judgments of Hon'ble CATs and High Courts have been minimal, as issues of facts/policy have already been addressed. Therefore, there is a pressing need to improve the quality of presenting Govt policy/rules in pleadings before the High Courts for safeguarding the interest of the UOI before the Courts of Law,

Hence, it is decided that all matters where Ministries/Departments seek to approach High Courts in CCS (Pension) Rules/Policy related issues, be referred to Department of Pension and Pensioners' Welfare alongwith the views of the administrative Ministry/ Department in a timely manner and comments/opinion of this Department received, if any, may be incorporated in the submissions made before Hon'ble High Courts in the matters involving major pension policy issues.

The administrative Ministry/Department while referring the proposal should invariably indicate all facts pertaining to the case in a Self Contained Note. The note should also include the relief sought by the petitioner/applicant, earlier advice/opinion of DoPPW, submission made by the Department before the Court/CAT, opinion of the Government Counsel on the judgment, opinion of D/o Legal Affairs and D/o Expenditure/DoPT, if any. All the references should be made to this Department alongwith views in the matter and with the approval of the Secretary of the Administrative Ministry/Department well in advance.

Brief Summary of Pension-Related Court Cases

Parity in Pension for Pre-2006 S-30 Pensioners

Issue: S-30 pensioners (pre-2006 retirees) sought pension parity with post-2006 retirees and higher pension than those from lower pay scales (S-24 to S-29).

Ld CAT Orders (2014, 2015): Directed revised pension based on actual pay at retirement and ensured pre-2006 S-30 pensioners' pension is not less than Rs. 38,500 (max for S-29 post-2006 retirees), effective from filing of OAs.

Hon'ble HC Delhi Common Order (20.03.2024): Upheld CAT orders, extended relief from 01.01.2006. Dismissed UOI's WP, allowed S-30 Pensioners' WP. Covered multiple related WPs.

Hon'ble SC (04.10.2024): Dismissed UOI's SLP

Government of India has notified "Validation of the Central Civil Services (Pension) Rules and Principles for Expenditure on Pension Liabilities from the Consolidated Fund of India" on 29.03.2025 as part of the Finance Act, 2025 Part IV duly passed by the Parliament.

Section 150 of the Validation of the Central Civil Services (Pension) Rules validates that the Central Government has the authority and will always deemed to have had the authority, to classify its pensioners, and may create or maintain distinction amongst pensioners as deemed expedient for implementing the recommendations of the Central Pay Commissions. The date of retirement of pensioners must be and would be the basis of distinctions and for classification in regard to pension entitlement.