2026:CGHC:21632

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2027 of 2022

*** -** Pilaram Verma S/o Shri Kehar Singh, Aged About 72 Years Retired Government Employee As Forest Guard, R/o Village Thelki, P.S. Palari, Tahsil And District Baloda Bazar Bhatapara, Civil And Revenue District Baloda Bazar Bhatapara Chhattisgarh.

... Petitioner

Versus

1 - State Of Chhattisgarh Through Secretary, Forest Department, Mahanadi, Bhavan, Mantralya, Atal Nagar, New Raipur Chhattisgarh.

2 - The Divisional Forest Officer, Raipur Division, Forest Department, Raipur, District Raipur Chhattisgarh.

3 - The Divisional Joint Director, Treasury, Account And Pension, Raipur District Raipur Chhattisgarh.

... Respondents

For Petitioner	:	Mr. Manoj Kumar Sinha, Advocate
For Respondents/State	:	Mr. Vinay Pandey, Deputy Advocate General

Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

08/05/2026

1. The petitioner has filed this petition seeking the following relief(s):-

> "**10.1** That the Hon'ble Court be pleased to call for the entire records in connection of the petitioner's cases.
>
> **10.2** That the Hon'ble court be further pleased to direct the Respondent authority to release of revised pension as per 7th pay commission and other dues to the petitioner with interest from the date when it is made applicable and also direct to re-fix the pension of the petitioner as per rules.

10.3 Any other order that the Hon'ble Court deems fit and necessary in the circumstances of the case be also passed.

10.4 That the cost of the petition be also awarded to the petitioner."

2. The facts, in brief, are that the petitioner was posted as Forest Guard in Forest Department at Raipur Division Raipur. He retired from services attaining age of superannuation on 26.06.2000. The petitioner submitted application dated 07.02.2005 to the effect that the government sanctioned pay scale of Rs.3050-1530/- from 01.01.1996 but benefit of said pay scale has not been given to the petitioner. It is also contended that pension of petitioner has not been revised properly and he is getting pension Rs.1275/- per month. On 24.02.2015 the respondent authorities issued a letter to the Joint Divisional Director, Treasury, Accounts and Pension to resolve the dispute of the petitioner. The respondent No. 2 forwarded the case of the petitioner to the respondent No. 3 for necessary action and payment of pension/gratuity amount based on revised pay scale from 01.01.1996. The State of Chhattisgarh introduced the Revision of Pay Rules, 2009 effective from 01.01.2006 (6th Pay Commission) and the Revision of Pay Rules, 2017 effective from 01.01.2016 (7th Pay Commission). However, through various circulars dated 31.08.2009 and 06.07.2018, the respondents fixed different entitlement dates for pensioners, who retired prior to these implementation dates. Pre-2006 retirees were only granted benefits from 01.09.2008 whereas pre-2016 retirees from 01.04.2018. The respondents denied arrears citing a lack of "mutual agreement" or concurrence from the State of Madhya Pradesh regarding pensionary liabilities under Section 49 of the Act of 2000.

Despite a clarification from the Union of India stating that no such mutual agreement is required under the Act, the State authorities maintained their refusal, leading to this petition.

3. Learned counsel appearing for the petitioner would submit that, the controversy is squarely covered by the decision of this Court in WPS No. 3602 of 2018 (decided on 19.02.2025), where it was held that creating a separate class of pensioners based on retirement dates for the purpose of pay revision is discriminatory and violative of Article 14. The relevant paragraph nos. 7 and 8 are as under :-

> "**7)** The Hon'ble Supreme Court in the matter of ***All Manipur Pensioners Association Versus State of Manipur & Ors.*** reported in ***AIR- ONLINE 2019 SC 407*** held that there was no valid justification in creating two classes, i.e., government servants who retired pre-1996 and post-1996. It was further held that for the purpose of the grant of revised pension, such classification has no nexus with the object and purpose for the grant of revised pension. It is also held that all the pensioners form one class and all were held entitled to pension as per pension rules. It will be apt to reproduce the relevant paras 8 and 8.1 herein below:-
>
> > **8.** Even otherwise on merits also, we are of the firm opinion that there is no valid justification to create two classes viz, one who retired pre-1996 and another who retired post-1996, for the purpose of grant of revised pension. In our view, such a classification has no nexus with the object and purpose of grant of benefit of revised pension. All the pensioners form one class who are entitled to pension as per the pension rules. Article 14 of the Constitution of India ensures to all equality before law and equal protection of laws. At this juncture it is also necessary to examine the concept of valid classification. A valid classification is truly a valid discrimination. It is true that Article 16 of the Constitution of India permits a valid classification. However, a valid classification must be based on a just objective. The result to be achieved by the just objective presupposes the choice of some for differential consideration/treatment over others. A

classification to be valid must necessarily satisfy two tests. Firstly, the distinguishing rationale has to be based on a just objective and secondly, the choice of differentiating one set of persons from another, must have a reasonable nexus to the objective sought to be achieved. The test for a valid classification may be summarised as a distinction based on a classification founded on an intelligible differentia, which has a rational relationship with the object sought to be achieved. Therefore, whenever a cut-off date (as in the present controversy) is fixed to categorise one set of pensioners for favourable consideration over others, the twin test for valid classification or valid discrimination therefore must necessarily be satisfied. In the present case, the classification in question has no reasonable nexus to the objective sought to be achieved while revising the pension. As observed hereinabove, the object and purpose for revising the pension is due to the increase in the cost of living. All the pensioners form a single class and therefore such a classification for the purpose of grant of revised pension is unreasonable, arbitrary, discriminatory and violative of Article 14 of the Constitution of India. The State cannot arbitrarily pick and choose from amongst similarly situated persons, a cut-off date for extension of benefits especially pensionary benefits. There has to be a classification founded on some rational principle when similarly situated class is differentiated for grant of any benefit.

8.1 As observed hereinabove, and even it is not in dispute that as such a decision has been taken by the State Government to revise the pension keeping in mind the increase in the cost of living. Increase in the cost of living would affect all the pensioners irrespective of whether they have retired pre-1996 or post-1996. As observed hereinabove, all the pensioners belong to one class. Therefore, by such a classification/cut-off date the equals are treated as unequals and therefore such a classification which has no nexus with the object and purpose of revision of pension is unreasonable, discriminatory and arbitrary and therefore the said classification was rightly set aside by the learned Single Judge of the High Court. At this stage, it is required to be observed that whenever a new benefit is granted and/or new scheme is introduced, it might be possible for the State to provide a cut-off date taking into consideration its financial resources. But the same shall not be applicable with respect to one and single class of persons, the benefit to be given to the one class of persons, who are already otherwise getting the benefits and the question is with respect to revision."

9. In view of the above and for the reasons stated above, we are of the opinion that the controversy/issue in the present appeal is squarely covered by the decision of this Court in the case of D.S. Nakara (AIR 1983 SC 130) (supra). The decision of this Court in the case of D.S. Nakara (supra) shall be applicable with full force to the facts of the case on hand. The Division Bench of the High Court has clearly erred in not following the decision of this Court in the case of D.S. Nakara (supra) and has clearly erred in reversing the judgment and order of the learned Single Judge. The impugned judgment and order passed by the Division Bench is not sustainable and the same deserves to be quashed and set aside and is accordingly quashed and set aside. The judgment and order passed by the learned Single Judge is hereby restored and it is held that all the pensioners, irrespective of their date of retirement, viz. pre1996 retirees shall be entitled to revision in pension at par with those pensioners who retired post1996. The arrears be paid to the respective pensioners within a period of three months from today.

8) The High Court of Madhya Pradesh in the matter of ***Dr. Surendra Narayan Gupta Versus Principal Secretary, State of M.P. & Ors.*** and other connected matters reported in ***2024 SCC OnLine MP 4684*** in paras 25 and 27 held as under:-

25. So far as the ground raised by the State regarding the financial burden is concerned, it is reiterated that it has already been taken care of by the Supreme Court in the case of All Manipur Pensioners Association (supra). Whereas, the contention of the respondents that the petitioner cannot be given the benefit of pension as per 6th pay commission which was not in existence at the time of retirement of the petitioner, it is found that the State has not clarified in their reply as to how the non-

> grant of the benefits of 6th Pay Commission to the petitioner would be a distinguishing factor in the present case. And otherwise also, in the case of Smt. Kamla Jain (supra), this Court, in para 5 has already taken into account the effect that it is only after 01.01.1996, that the pay commission's recommendations were implemented, and as has been noted in Sultan Khan (supra) in which the decision in the case of Smt. Kamla Jain (supra) has been distinguished, and it is also observed in para 8 of Sultan Khan (supra) that the writ appeal as also an SLP against the order passed in the case of Smt. Kamla Jain (supra) have already been rejected, thus, the case of the petitioner would also be covered by the decision in the case of Smt. Kamla Jain (supra).
>
> **27.** In view of the same, this Court has no hesitation to come to a conclusion that in respect of the issue involved i.e., whether the petitioner, while being granted the revision of pension, can be treated differently only because he stood retired prior to 01.01.2006 vis-à-vis the persons who stood retired after 01.01.2006, in the light of the subsequent decision of Supreme Court in the case of All Manipur Pensioners Association (supra), the decision rendered by this Court in the case of P.V. Sreenivasaiah (supra) does not govern the field anymore.

4. On the other hand learned Deputy Advocate General appearing for the State/respondents would oppose.

5. I have heard learned counsel for the parties and perused the material available on record.

6. This Court held in WPS No. 3602 of 2018 (decided on 19.02.2025), that the State of Chhattisgarh and Madhya Pradesh must bear their respective shares as per the scheme of the Pay Commission, and the absence of mutual concurrence cannot be a ground to deny pensioners their dues with respect to arrears.

2026:CGHC:21632

7. Taking into consideration the facts of the present case and the law laid down by the Hon'ble Supreme Court and the High Court of Madhya Pradesh in the aforementioned cases and the order passed in WPS No. 3602 of 2018, the respondents are directed to consider the case of the petitioner after due verification for release of revised pension as per 7th Pay Commission and other dues from the date when it is made applicable. The States of Madhya Pradesh and Chhattisgarh shall bear their respective share while making payment of pension according to the Rules 2009, to the petitioner within a period of 120 days. The State of Chhattisgarh would be at liberty to claim its share from the State of Madhya Pradesh for making payment according to the provisions entailed in Section 49 of the Act, 2000.

8. With the aforesaid direction(s), the instant writ petition stands **disposed of**.

Sd/-
(Rakesh Mohan Pandey)
Judge

vatti