



2026:CGHC:9747

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 8776 of 2025**

S A Hussain S/o Late Shri M.A Hussain Aged About 80 Years R/o- Vishnu Bagan, Jashpur Nagar, Tehsil And P.S. Jashpur, Distt. Jashpur, Chhattisgarh Pin 496331

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through The Secretary, Department Of Tribal And Scheduled Caste Development, Govt. Of Chhattisgarh, Mahanadi Bhavan, Atal Nagar- Nava Raipur, Chhattisgarh Pin- 492002

2 - The Commissioner Department Tribal And Scheduled Caste Development, Govt. Of Chhattisgarh, Block- D, Ground Floor, Indravati Bhavan, Atal Nagar- Nava Raipur, Chhattisgarh Pin- 492002

3 - The Additional Secretary Department Of Finance, Govt. Of Chhattisgarh, Mahanadi Bhavan, Atal Nagar- Nava Raipur, Chhattisgarh Pin 492002

4 - The Director Directorate Of Treasury, Accounts And Pension, Govt. Of Chhattisgarh, Indravati Bhavan, Atal Nagar- Nava Raipur, Chhattisgarh Pin 492002

5 - The Under Secretary (Niyam Sakha), Department Of Finance,



Government Of Chhattisgarh, Mahanadi Bhavan, Atal Nagar- Nava Raipur,
Chhattisgarh

... Respondent(s)

For Petitioner : Mr. Azad Siddiqui, Advocate
For Respondents/State : Ms. Anuja Sharma, Dy. Govt. Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

24/02/2026

1. Petitioner has filed this writ petition seeking following reliefs:

“10.1] It is prayed, that the Respondents be directed to pay to the Petitioner, increased pension with effect from 20.06.2024 i.e. from the day he entered 80 years of age.

10.2] It is prayed, that the Respondents be directed to pay to the Petitioner, Interest for the Delayed Payment of his Increased Pension @ 18% on the difference amount from the date it became due till the date of Actual Payment.

10.3] It is prayed, that the Respondents be held accountable for their acts of Commission & Omission and exemplary costs be levied upon them, such that the high headed authorities think twice before putting some other Old Aged Pensioner through the same or deal as the Petitioner has been through.

10.4] Any other relief that this Hon'ble Court may deem fit keeping in mind the facts of this case and in the Interest of Justice.”

2. Learned counsel for the petitioner submits that petitioner is retired employee and is getting pension. Petitioner after attaining age of 80 years had submitted representation for enhanced pension of



twenty percent based on Circular dated 31.08.2009 issued by the State Govt. However, it was not considered and decided till date. It is further contention of learned counsel for the petitioner that petitioner has been orally informed by the authority that he will be given enhanced pension of twenty percent after he completes age of 80 years and he stepped into 81 year which is contrary to object of notification issued by the State Govt. in this regard. He contended that identical issue came up for consideration before Gauhati High Court in case of **Virendra Dutt Gyani Vs. Union of India & Ors.** (WPC No.4224 of 2016, decided on 15.03.2018) in which it was held that for extending benefit of enhanced pension of twenty percent relevant consideration would be first day of 80th year of employee therein. Order of Gauhati High Court was put to challenge before Hon'ble Supreme Court in SLP (Civil) Diary No.18133 of 2019 which came up for hearing on 8th July 2019 and it was dismissed. He contended that similar issue came up for hearing before High Court of Madhya Pradesh in case of **Dr. K.K. Kaul Vs. State of Madhya Pradesh & Ors.** (Writ Petition No.22739 of 2021, decided on 2nd August 2024) in which also consideration was first day when person enters 80th year of age.

3. Learned counsel for the State seeks time to file reply.
4. Grievance of the petitioner is that petitioner became entitled for enhanced pension when he entered into 80th year. Representation submitted by petitioner till date has not been considered and decided. The claim which is raised by the petitioner in his representation for enhanced pension came up for consideration before High Court of



Gauhati in case of **Virendra Dutt Gyani** (supra) in which it has been observed as under:

“**30.** In the course of hearing, Mr. Goswami had also brought to our notice a Single Bench decision of the Karnataka High Court, Dharwad Bench in the case of *Siddangouda Shivabasanagouda Ayyangoudra -Vs- Principal Accountant General (A & E)*, decided on 03-09-2014. In that case also an identical issue had cropped up; petitioner had retired from service on 30-04-1992 on attaining the age of superannuation. Petitioner claimed entitlement to receive 20% additional quantum of pension from 80 to 85 years on the strength of Government Order dated 13-10-2010. Petitioner had completed 79th year on 13-04-2013. His 80th year started from 13-04-2013. Therefore, he claimed entitlement to the above benefit from 13-04-2013. Respondents rejected such claim of the petitioner and declared that petitioner would complete his 80th year on 13-04-2014 and thereafter his request would be considered. Following an earlier decision of the Court, the writ petition was allowed. Karnataka High Court quashed the impugned decision and directed the respondents to pay 20% additional pension from the 1st day of 80th year i.e. from 13-04-2013 with 6% interest per annum.

31. The decision of Karnataka High Court is a logical outcome of the line of reasoning adopted by us.

32. Therefore, on a thorough consideration of the matter, we hold that the benefit of additional quantum of pension as per Section 17B of the Act in the first slab would be available to be a retired judge from the first day of his 80th year. In so far petitioner is concerned, he would be entitled to the said benefit from 30-07-2015 which was the first day of his 80th year. Ordered accordingly.”



5. In case of **Dr. K.K.Kaul** (supra) High Court of Madhya Pradesh has observed thus:

“14. Petitioner is in twilight zone of his life span and the date for reckoning 80 years for benefit of additional pension is to be counted from the date when person enters 80th year of age and not when he completes 80 years. In the present case, the date of birth of petitioner is 13th of October, 1931 and therefore, he entered into 80 years of age on 13th of October, 2011, therefore, he is entitled to get the benefit from 13th of October, 2011 whereby respondents have to give additional pension of 20% as per their circular with this date. It is the duty of respondents that considering his age and past services, they shall promptly decide the case and disburse the benefits at an expeditious note preferably within one month from the date of submission of certified copy of this order, so that it may be a case of vindication of his services rendered to society.”

6. In the aforementioned facts of case, considering that petitioner is a retired employee and State Govt. has already issued Circular in this regard for grant of enhanced pension, this writ petition at this stage is disposed of permitting the petitioner to submit fresh representation along with all supporting documents before respondents No. 1, 2 & 4 and if such representation is submitted, the concerned authority shall consider and take decision on representation of petitioner taking note of the decisions of High Court of Gauhati and High Court of Madhya Pradesh in this regard within a period of one month from the date of receipt of representation.

Sd/-

(Parth Prateem Sahu)
Judge