



2025:DHC:4393-DB



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

Date of decision: 26.05.2025

+ W.P.(C) 6652/2022

R. C. GARG

.....Petitioner

Through: Dr. Amit George, Ms. Rupam
Jha, Mr. Adhishwar Suri, Mr.
Dushyant K. Kaul and Ms.
Ibansara S. Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Arti Bansal, SPC for UOI
with Ms. Shruti Goel,
Advocate.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed challenging the Order dated 16.02.2022 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in C.P. No. 171/2014 in O.A. No. 2461/2012, titled ***R.C. Garg v. K. Radhakrishanan***, disposing of the Contempt Petition filed by the petitioner herein by recording the submissions of the counsel for the respondent therein that the directions issued by the learned Tribunal in its Order dated 30.07.2013 passed in the above OA have been complied with.

2. The learned counsel for the petitioner submits that in the Order



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dated 30.07.2013 passed by the learned Tribunal in the above O.A., the following directions were passed:

“23. Having once accepted the position in the case of D.S. Nakara (supra), there is no reason that this Liberalization Pension Scheme should not be extended to the present applicants who are eminent Scientists of the country. Hence, the present Original Application is allowed with the following directives:-

Revision Pension Pay Orders in respect of the applicants impugned in this OA are quashed and set aside;

Respondents are directed to extend the benefits of enhanced Special Pay of Rs. 4000/- (50% for pensionary purpose) to the applicants as have been recommended as per the CCS (Pay) Rules, 2008 w.e.f. 01.01.2006 and consequently revise their pension by taking full pension (50%) which is granted upon 20 years of completed service for post 2006 retirees and bring them at par with the post 2006 retirees with prospective effect of 01.01.2006.

The exercise ordained above be completed within a period of three months from the date of receipt of certified copy of this order.”

3. He submits that in compliance with the said order, which has been upheld by this Court, the respondents issued a revised Pension Payment Order dated 17.08.2020, wherein the petitioner's basic pension under the VIth CPC was fixed at Rs.30,925/- + Rs.2000/- = Rs.32,925/-. He submits that thereafter, without any notice to the petitioner or providing any reasons for the same, a revised Pension Payment Order was issued by the respondent on 01.04.2021, fixing his pension under the VIth CPC at Rs.27,350/- + Rs.2000/- = Rs.29,350/-. He submits that the same was carried out on the basis of the OM No.



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A.22013/2/2017-I dated 19.02.2021. He submits that as the case of the petitioner is governed by the Order dated 30.07.2013 passed by the learned Tribunal, the subsequent OM issued will not affect the determination of the relief to the petitioner.

4. On the other hand, the learned counsel for the respondents submits that the petitioner was claiming parity with one Mr.Guruswamy, who belongs to a different cadre and had put in more years of service than the petitioner. She submits that therefore, there was a disparity between the pension fixed for Mr. Guruswamy as against the petitioner.

5. In rejoinder, the learned counsel for the petitioner submits that Mr. Guruswamy belongs to the same department and cadre as the petitioner. He further submits that the length of service can have no effect on the amount of pension, once the petitioner has already completed the qualifying service of 20 years.

6. We have considered the submissions made by the learned counsels for the parties.

7. From the revised Pension Payment Order dated 01.04.2021, it is not appear that the pension of the petitioner was revised only because of him not having served a particular number of years in service. In fact, once the petitioner has completed the qualifying service for the grant of pension, his pension has to be fixed accordingly.

8. In the case of the petitioner, it is the Order dated 30.07.2013 of the learned Tribunal which has to be fully implemented. Subsequent OMs or instructions issued by the department cannot affect such

