



2025:CGHC:8620

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3602 of 2018

1. Chhattisgarh Shaskiya Mahavidyalayin Pensioners Sangh A Registered Society Duly Registered By Registrar Of Societies, Chhattisgarh,

[Redacted]

... Petitioner(s)

versus

1. State Of Chhattisgarh Through Principal Secretary, Government Of Chhattisgarh General Administration Department,

[Redacted]

2. The Principal Secretary, Government Of Chhattisgarh Finance Department,

[Redacted]

3. State Of Madhya Pradesh Through Principal Secretary, Government Of Madhya Pradesh Finance Department,

[Redacted]

4. Union Of India, Through The Secretary, Ministry Of Personnel, Pg And Pension Department Of Pensions And Pensioners Welfare,

[Redacted]

... Respondent(s)

For Petitioner	:	Mr. Avinash K. Mishra, Advocate
For State/Respondents No. 1 and 2	:	Mr. Vinay Pandey, Deputy A.G.
For Respondent No. 3	:	None, though served
For Respondent No. 4/ UOI	:	Mr. Bhupendra Pandey, CGC

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

19/02/2025

1) By way of this petition, the petitioner has sought the following relief(s):-

10.1 It is prayed that this Hon'ble Court may kindly be pleased to call for the entire records pertaining to petitioners' case for its kind perusal

10.2 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ quashing and setting aside the impugned order 28/02/2018 (Annexure P/- issued by the Finance Department, Government of Chhattisgarh by declaring the same to be illegal and inoperative in law.

10.3 This Hon'ble Court may further kindly be pleased to issue an appropriate writ of mandamus directing the respondents to revise and consolidate the pension/family pension payable to the petitioners by complying with and giving effect to the para 4.2 of the Notification 18.09.2008 approved and adopted for implementation by the State Government vide its decision dated 18.09.2008 ().

10.4 This Hon'ble Court may further kindly be pleased to issue an appropriate writ of mandamus directing the respondents to pay the petitioners i.e. pre-2006 retirees arrears of pension from 01.01.2006 to 31.08.2008, along with interest.

10.5 Any other relief/reliefs, which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with cost of the petition, may also please be granted to the petitioners

10.6. That, the circular dated 31.08.2009 to the extent that there is no provision with regard to fixing of pension on revised pay scale is against the "Sankalp" and notifications issued by the Government of India and discriminative as such liable to be quashed by the Hon'ble Court.

10.7. That, the respondent State be kindly directed to frame pension rules in conformity with the "Sankalp" at par with Govt. Servent who retired on or after 1/1/2006 so that pensioner may not suffer any loss on account of revision of pay of pension after implementation of 6th pay commission.

- 2) Facts of the present case are that the pensioners of Government Colleges are members of petitioner-society and they have claimed benefits of 6th Pay Commission. It is pleaded that members of petitioner society, who retired after 01.01.2006 have been extended benefits of 6th Pay Commission whereas the members, who retired from services prior to 01.01.2006 have not been extended the aforesaid benefit. Earlier, WP(S) No. 5333 of 2012 was filed by the petitioner-society, which was disposed of vide order dated 25.01.2018 reserving liberty in favor of the petitioner-society to make a representation before the respondent authorities. Pursuant to the order dated 25.01.2018, the petitioner-society made a representation which was rejected by respondent No. 2 vide order dated 28.02.2018.
- 3) Learned counsel appearing for petitioner-society would submit that the State Government cannot create two classes of pensioners, namely, government servants who retired prior to 01.01.2006 and after 01.01.2006. He further submits that such classification is discriminatory and violative of Article 14 of the Constitution of India. In support thereof, he has placed reliance on the judgment rendered by the High Court of Madhya Pradesh in the matter of

and other

connected matters reported in **2024 SCC OnLine MP 4684**.
- 4) On the other hand, learned State counsel would submit that the State of Chhattisgarh was carved out on 01.01.2000 and the liability was

apportioned between the two states according to the Madhya Pradesh Reorganization Act, 2000. He further submits that the members of petitioner society who retired prior to 01.01.2006 cannot claim parity with those members who retired after 01.01.2006. He contends that the benefit of 6th Pay Commission was extended w.e.f. 01.01.2006 and at that time, most of the members of the petitioner society were superannuated, therefore, they were not entitled to get benefits. He further contends that Chhattisgarh is a small state and huge financial liability would burden the State Finance. He would submit that the classification based on cut-off date is permissible. He argues that according to Section 49 of the Act, 2000, the State of Madhya Pradesh should owe the liability to make payment to the pensioners who retired prior to 01.01.2006.

- 5) Learned counsel appearing on behalf of the Union of India endorses the submissions made by State counsel.
- 6) Heard learned counsel appearing for the parties and perused the material available on the record.
- 7) The Hon'ble Supreme Court in the matter of

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:-

!

!"

\$ %

\$ %

!

%

!

!

#

&

,

%

(

!

% %

) %

%

,

%

,

*

%+

%

\$

!

!

% %

!" # ' ,

% -

%

% %

,

%

%

!

- %

, . -

! %
' %
(\$
\$
%
% %
& # ! , / \$
(
, -
0
%
\$
1
%(\$ %
% #
2 , 3 - *! 4 56 ,# 67+ * + '
2 , 3 -
* +
' 2 0 &
%
2 , 3 - * +
%
, / '
% 2 0
\$ % \$
, / %
,
%

8) The High Court of Madhya Pradesh in the matter of
(supra) in paras 25 and 27 held as under:-

! , % ,
% - %

7

9 , # ! 8
! * + :

%

, %
9 % #

! , ; / * + # <
% - % =
7 7

, ; * +
, ; / * + 5

, ; * +
, >9 ,
; / * + %
%
, ; / * +

" #

% %
7 7 ?77 @
7 7 ?77 \$
, # ! 8
9 ! * +
% # 9 A
, * +
%

- 9) 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, the present petition is disposed of directing the States of Madhya Pradesh and Chhattisgarh to bear their respective share while making payment of pension according to the scheme of the 6th Pay Commission to the members of petitioner society within a period of 120 days. The State of Chhattisgarh would be at liberty to claim the share from the State of Madhya Pradesh for making payment according to the provisions entailed in Section 49 of

the Act, 2000.

- 10)** It is made clear that members of petitioner society, who retired prior to creation of the State of Chhattisgarh i.e. 01.01.2000, shall not be entitled to claim benefits of the 6th Pay Commission by the present petition and they would be at liberty to take recourse to law.
- 11)** With the aforesaid direction(s), the instant writ petition stands **disposed of**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

! -%