2026:JKLHC-JMU:338

HIGH COURT OF JAMMU, KASHMIR AND LADAKH AT JAMMU

Reserved on 14.10.2026
Pronounced on 30.10.2026
Uploaded on 30.10.2026

Whether the operative part
or full Judgment is pronounced: **Full**

WP(C) No. 1619/2023

Raghuvir Singh Panwar …..Appellant(s)/Petitioner(s)

Through: Mr. Satinder Gupta, Adv.

vs

Union of India and others ….. Respondent(s)

Through: Mr. Vishal Sharma, DSGI with
Mr. Karan Sharma, CGSC

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1. The petitioner, through the medium of present petition, has challenged order dated 04.11.2022 issued by respondent No. 2, whereby his representation for refixation of his pension has been rejected.

2. Briefly stated the facts emanating from the pleadings of the parties are that the petitioner was appointed as Hostel Superintendent at Sainik School, Nagrota on 02.05.1982 and he retired from service on resignation in the year 2003 as Assistant Master, TGT(Senior Scale) on 30.09.2003. The pay scale of the petitioner at the time of his retirement i.e. on 30.09.2003 was ₹6500-200-10500 [5th Central Pay Commission(CPC)]. The 6th CPC was made applicable to the academic and non-academic staff of the Sainik Schools with effect from 01.01.2006, whereas 7th CPC was made applicable to the employees of the Sainik Schools with effect from 01.01.2016.

3. According to the petitioner, an error has taken place, while fixation of his pension at the time of implementing 6th Central Pay Commission(CPC). It has been submitted that the Pay Scale of Assistant Master, TGT Senior Scale under 5th CPC was ₹6500-200-10500 and its corresponding scale of pay under 6th CPC is ₹9300-34800 with Grade Pay of ₹4800/-. It has been submitted that the petitioner was wrongly given Grade Pay of ₹4200/- instead of ₹4800/- at the time of refixation of his pension under 6th CPC. Since the computation and refixation of the pension of the petitioner was wrongly made at the time of implementation of 6th CPC, consequently an error has crept in refixation of his pension at the time of implementation of 7th CPC.

4. Another grievance of the petitioner is that he was not given full pension because he had not completed 33 years of service at the time of his retirement and now in terms of Office Memorandum dated 06.04.2016 of the Government of India, it has been provided that the revised consolidated pension of pre-2006 pensioners shall not be lower than 50% of the minimum of the pay band and the grade pay without pro-rata reduction of pension even if, an employee had qualifying service of less than 33 years at the time of retirement.

5. In their reply to the writ petition, the respondents have taken a stand that as per Office Memorandum bearing Memo No. 38/33/12-P&PW(A) dated 09.07.2019, issued by the Government of India, Ministry of Defence, the pension of pre-2006 pensioners having pre-revised pay scale of ₹6500-200-10500 in 5th CPC has been scaled to Grade Pay of ₹4600/-. Earlier the Government of India vide Office Memorandum dated 01.09.2008 had decided to implement the recommendations of 6th CPC in favour of the pensioners/family pensioners with effect from 01.01.2006 and vide Office

Memorandum dated 28.01.2013 issued by the Government of India, pension of pre-2006 pensioners, who had retired in the pay scale of ₹6500-200-10500 was revised to ₹9300-34800 with Grade Pay of ₹4200/-. It has further been submitted that now vide Office Memorandum dated 09.07.2019, issued by the Government of India, it has been provided that revision of pension with effect from 01.01.2006 of pre-2006 pensioners, who had retired in 5th CPC in the pay scale of ₹6500-200-10500, would be based on corresponding pay band in 6th CPC with Grade Pay of ₹4600/- instead of ₹4200/-.

6. The respondents have submitted that now the revised pension of the petitioner has been refixed in the revised grade under 6th CPC with Grade Pay of ₹4600/- and after the issuance of Office Memorandum dated 06.04.2016, full pension has been sanctioned in his favour.

7. I have heard learned counsel for the parties and perused record of the case.

8. The grievance of the petitioner is twofold. One that under 6th Central Pay Commission(CPC) scale of pay, corresponding to ₹6500-200-10500 (5th CPC) in which the petitioner was working before his retirement, is ₹9300-34800 with Grade Pay of ₹4800/-, but while refixation of his pension at the time of implementation of 6th CPC recommendations, instead of Grade Pay of ₹4800/, his pension has been calculated on the basis of Grade Pay of ₹4200/-. The second grievance of the petitioner is that full pension has not been sanctioned in his favour despite pro-rata reduction of pension having been done away with.

9. In the above context, it is to be noted that the petitioner had retired before implementation of 6th CPC recommendations and its adoption by the Sainik Schools. The petitioner, as such, cannot claim revision of his pension in the corresponding scale as would be admissible to those employees who have

retired after implementation of 6th CPC. In the case of pre-2006 retirees, their pension is to be revised in accordance with the specific orders issued by the Government of India from time to time.

10. In the present case, the Central Government, in the first instance, issued Office Memorandum dated 01.09.2008 thereby giving benefit of 6th Central Pay Commission to the pensioners who have retired before the year 2006. Vide Office Memorandum dated 28.01.2013 issued by the Central Government, it has been provided that pension of pre-2006 pensioners would be revised upon adoption of 6th CPC in the manner as provided in the Annexure to the said Office Memorandum. As per Serial No. 13 of the said Annexure, the pre-2006 pensioners, who were drawing pension in the pay scale of ₹6500-200-10500 were to get their pension refixed in the pay scale of ₹9300-34800 with Grade Pay of ₹4200/-. This Office Memorandum was modified vide Office Memorandum dated 09.07.2019 and Grade Pay of ₹4600/- instead of ₹4200/- was to be taken into account in the case of pre-2006 pensioners, who retired in 5th CPC scale of ₹6500-200-10500. Since the petitioner has retired before coming into effect of 6th CPC, therefore, his pension has to be refixed only in accordance with the specific orders issued by the Central Government in this regard and not in the manner as provided in the case of the employees who were in service at the time of coming into effect of 6th CPC. The petitioner having retired prior to the year 2006, cannot claim parity with those who have retired after the year 2006.

11. Learned counsel for the petitioner has submitted that the Sainik Schools Society, even though it works under the supervision of the Ministry of Defence, is an independent body and the orders of the Central Government are not *ipso*

facto applicable to the employees of the Sainik Schools, unless the same are adopted. Therefore, the Office Memoranda issued by the Government of India from time to time revising the pension of pre-2006 pensioners, having not been adopted by the Sainik Schools Society, are not applicable to these Schools.

12. I am afraid, the contention raised by the learned counsel for the petitioner is without any merit. It is so because the Sainik Schools Society has, while adopting 6th Central Pay Commission in favour of its employees in terms of communication dated 23rd April 2009(Annexure R/III to the reply), specifically provided that it shall be on the same pattern as admissible to the Central Government employees. Therefore, any Office Memorandum or instruction, which is issued by the Government of India bearing reference to implementation of 6th CPC becomes automatically applicable to the employees/pensioners of the Sainik Schools.

13. So far as the second grievance of the petitioner is concerned, the respondents have clearly stated in their response that the same has already been addressed by them by giving the benefit of full pension to the petitioner.

14. For all what has been said, analysed and discussed above, I do not find any merit in the present petition. The same is, accordingly, dismissed.

(SANJAY DHAR)
JUDGE

Jammu
30.10.2026
Rakesh PS

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No