



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

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Judgment reserved on: 20.01.2026

Judgment delivered on: 07.04.2026

+ **LPA 691/2025**

**THE CHAIRMAN AND MANAGING DIRECTOR, MMTC
LIMITED AND ANR**

.....Appellants

versus

VIKAS GUPTA AND ORS

.....Respondents

Advocates who appeared in this case

For the Appellants : Mr. Arun Bhardwaj, Senior Advocate along with Mr. Anshul Rai, Mr. S.K. Pandey, Ms. Mallika Ranjan, Ms. Muskan Jain, Mr. Pranav Rastogi, Ms. Ashu Tiwari & Ms. Khushi Sood, Advocates.

For the Respondents : Mr. V.K. Gupta, Advocate for Respondent No.1.
Mr. Sushil Kumar Pandey- SPC along with Mr. Sarvesh Shrivastav-GP for Respondent Nos.2 & 3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

JUDGMENT

TEJAS KARIA, J

LPA 691/2025

1. The present Letters Patent Appeal is filed being aggrieved by the judgment dated 17.09.2025 (“**Impugned Judgment**”) passed in W.P.(C) 13053/2018 (“**Writ Petition**”), whereby the Writ Petition filed by



Respondent No. 1 was disposed of by directing the Appellants to revise Respondent No. 1's Basic Pay to ₹19,020/- per month with effect from 13.07.2007 and grant consequential benefits of such relief.

FACTUAL MATRIX

2. Respondent No. 1 is a person with disability having Locomotors Disability of 79%, which has increased to 86%, and cannot travel without an escort. The Appellants appointed Respondent No. 1 as Deputy Manager (Marketing) by way of an Appointment Letter dated 28.06.2007 with effect from 13.07.2007 under the Special Recruitment Drive for Persons with Disabilities (“PwDs”) in the Pay Scale of ₹8,600-250-14,600/- with additional 5 increments. On 12.09.2007, the Appellants issued an addendum to the Letter of Appointment of Respondent No. 1 and fixed Basic Pay at ₹9,850/- per month.

3. On 26.11.2008, the pay scale of Respondent No. 1 was revised to ₹16,400-3%-40,500/- with effect from 01.01.2007 and Respondent No. 1's Basic Pay was fixed as ₹17,650/-, which was communicated to Respondent No. 1 *vide* letter dated 19.05.2009 by the Appellants.

4. As per the Appellants, the Basic Pay fixed at ₹17,650/- by adding ₹1,250/- as an additional pay to the minimum revised scale of ₹16,400/- per month was erroneous as it should have been ₹19,020/- per month.

5. Accordingly, between 05.06.2009 and 03.05.2017, Respondent No. 1 made several representations to the Appellants for removing anomaly in his Pay Scale by fixing the Basic Pay to ₹19,020/- per month. According to the claim of Respondent No. 1, the Appellants did not grant 5 increments to Respondent No. 1 and fixed the revised Basic Pay to ₹17,650/- by adding



₹1,250/- by calculating ₹250/- each for total 5 increments as applicable to old scale of ₹8,600-250-14,600/- with effect from 01.01.2007 instead of ₹19,020/- after adding 5 increments of 3% cumulative in the Pay Scale of ₹16,400-3%-40,500/-. According to Respondent No. 1, no action was taken by the Appellants despite these representations.

6. In view of the same, Respondent No. 1 filed the Writ Petition. During the course of the proceedings of the Writ Petition, Prayers (b) and (c) were disposed of by directing the Appellants to treat the same as representation by Respondent No. 1 and a speaking order be passed within two months to be duly communicated to Respondent No. 1. Accordingly, the Impugned Judgment granted only Prayer (a) of the Writ Petition by directing the Appellants to revise the Basic Pay of Respondent No. 1 to ₹19,020/- with effect from 13.01.2007 and consequential benefits pursuant to the implementation of the pay revision.

7. Being aggrieved by the Impugned Judgment, the present Appeal has been filed.

SUBMISSIONS ON BEHALF OF THE APPELLANTS

8. The learned Counsel for the Appellants submitted that:

8.1. The learned Single Judge erred in holding that 5 increments granted to Respondent No. 1 were part of the Basic Pay by completely ignoring that such increments were already given in view of the pre-revised Pay Scale of ₹8,600-250-14,600/- in order to maintain pay parity with other progressive Public Sector Undertakings (“PSUs”) until the pay revision came into force. After the pay revision, the pay of Respondent No. 1 was



governed by the Office Order dated 04.05.2009 (“**Office Order**”), wherein *vide* Clauses 2.2.1 and 2.2.2 of the Office Order, an additional pay of ₹1,250/- per month was granted to Respondent No. 1.

- 8.2. The Office Order governed the fixation of pay of Deputy Managers, who joined on or after 01.01.2007 stipulating that the additional pay of ₹1,250/- would be considered over and above the minimum of the revised scale. The Impugned Judgment has misinterpreted Clauses 2.2.1 and 2.2.2 of the Office Order and erroneously treated the additional pay as 5 advance increments contrary to the intent of the said Clauses in the Office Order.
- 8.3. The direction to revise Respondent No. 1’s pay to ₹19,020/- per month would create an anomaly and single out one individual by disrupting parity among officers in the same grade and pay scale.
- 8.4. In view of the above, the Impugned Judgment warrants interference in this Appeal.

SUBMISSIONS ON BEHALF OF RESPONDENT NO. 1

9. The learned Counsel for Respondent No. 1 submitted that:
 - 9.1. As per the terms of original appointment of Respondent No. 1, 5 advance increments were agreed to be provided. The original Pay Scale mentioned in the advertisement was ₹8,600-250-14,600/-. The advertisement further provided that the Pay Scales for the Executives were due for revision with effect from 01.01.2007 and up to 5 advance increments can be given in deserving cases.



- 9.2. The Letter of Appointment dated 28.06.2007 mentioned the same Pay Scale of ₹8,600-250-14,600/-. Subsequently, the Basic Pay of Respondent No. 1 was modified by an addendum dated 12.09.2007, whereby it was decided that Respondent No. 1 shall draw his salary on the Basic Pay of ₹9,850/- per month in the Pay Scale of ₹8,600-250-14,600/- along with admissible allowances from the date he joined the services.
- 9.3. The further Office Order dated 27.06.2008 provided that the posts of Deputy Manager and Manager were treated as a stroke / band posts with combined strength of these two grades being considered for recruitment and / or promotion.
- 9.4. The Office Memorandum dated 26.11.2008 revised the pay of Executives at various levels in the PSUs and the existing Pay Scale of ₹8,600-250-14,600/- was revised to ₹16,400-3%-40,500/-, wherein it was provided that the annual increment would be at 3% of the revised Basic Pay.
- 9.5. Pursuant to the above directive, the Appellants issued Office Order revising the Pay Scale in terms thereof.
- 9.6. By another Office Order dated 19.11.2009, the Appellants notified the monthly special allowance for those Deputy Managers, who had joined between 01.01.2007 and 31.03.2009 with a Basic Pay of ₹9,850/- per month as per scale of ₹8,600-250-14,600/- at the time of initial appointment. Accordingly, Respondent No. 1 was entitled to special allowance of ₹1,200/-.



- 9.7. However, the revision of the pay of Respondent No. 1 at ₹17,650/- did not account for annual increment of 3% provided in the revised Pay Scales and instead incorporated the advance increments earned under the pre-revised Pay Scales.
- 9.8. As the original Basic Pay of Respondent No. 1 was fixed at ₹9,850/- per month being the minimum of the applicable pay scale of ₹8,600/- per month + ₹1,250/- on account of 5 advance increments of ₹250/- each, the Appellants, while revising the Pay Scale of Respondent No. 1 added the sum of ₹1,250/- computed under the pre-revised Pay Scales to the minimum of ₹16,400/-. However, the correct computation in terms of the revised Pay Scale would be to include 5 increments of 3% as provided thereunder.
- 9.9. If it is calculated on the basis of 5 increments of 3% each on the base of ₹16,400/-, the starting pay of Respondent No. 1 would be ₹19,020/- per month instead of ₹17,650/- per month.
- 9.10. The similarly situated persons in other PSUs were granted the revised Pay Scale of ₹19,020/-. Although Respondent No. 1 and other similarly placed employees made representations to the Appellants for fixation of their pay, no action was taken by the Appellants.
- 9.11. Accordingly, the relief granted to Respondent No. 1 in the Impugned Judgment is justified and the same deserves to be upheld and the Appeal be dismissed.



ANALYSIS AND FINDINGS

10. The learned Single Judge has found that Respondent No. 1's submissions were merited as the Basic Pay of Respondent No. 1 was fixed at ₹9,850/- from the original date of appointment by an addendum dated 12.09.2007 to the Letter of Appointment dated 28.06.2007 by granting 5 advance increments to Respondent No. 1. Accordingly, the 5 advance increments granted to Respondent No. 1 were part of his Basic Pay.

11. The learned Single Judge has found that the Appellants have conflated the minimum of the revised Pay Scale with the increment of the pre-revised Pay Scale. It was found that the 5 advance increments were included as part of Respondent No. 1's Basic Pay and not regarded as additional pay. Therefore, Clauses 2.2.1 and 2.2.2 of the Office Order would not govern Respondent No. 1's case. Clauses 2.2.1 and 2.2.2 of the Office Order provide as under:

“2.2.1. Executives appointed on or after 1.1.2007 at the minimum of the pre-revised pay shall be deemed to have been appointed at the minimum of revised scale of pay.

2.2.2. Additional pay equivalent to Rs.1250/-per month granted to the Executives appointed in the grade of Deputy Manager on or after 1.1.2007 will be taken into account over and above minimum scale as at 2.2.1 above.”

12. In view of the above, Clause 2.2.1 of the Office Order refers to the Executives appointed at the minimum of the pre-revised scale however, Respondent No. 1 was appointed with the 5 advance increments given already. Further, Clause 2.2.2 of the Office Order cannot be applied to Respondent No. 1 as his original Basic Pay was fixed inclusive of 5 advance increments and, therefore, the additional pay provided therein would not



apply to Respondent No. 1. Therefore, the learned Single Judge has held that the Appellants computed the revisions differently than other PSUs, who have computed the revised Basic Pay as per the contention of Respondent No. 1.

13. The Appellants have challenged the above finding of the learned Single Judge in the Impugned Judgment on the ground that the provisions of Clauses 2.2.1 and 2.2.2 of the Office Order were misinterpreted by the learned Single Judge.

14. We have considered the submissions made on behalf of the Appellant. We do not find the contentions on behalf of the Appellant having merit as Clauses 2.2.1 and 2.2.2 of the Office Order do not apply to the cases where the Basic Pay had already incorporated the 5 advance increments. Accordingly, the additional pay stipulated in Clause 2.2.2 of the Office Order in view of the pre-revised Pay Scale of ₹8,600-250-14,600/- cannot be made applicable to Respondent No. 1.

15. We find that the calculation of the revised Basic Pay by the Appellants is not in consonance with the scale ₹16,400-3%-40,500/- as the Appellants have added ₹1,250/- calculated on the basis of the original Pay Scale of ₹8,600-250-14,600/- to the Basic Pay of the revised scale, i.e., ₹16,400/- + ₹1,250/- to arrive at the Basic Pay of ₹17,650/- per month.

16. We are of the view that the learned Single Judge has correctly accepted the calculation of the revised Basic Pay of ₹19,020/- per month as provided by Respondent No. 1 based on the revised Pay Scale of ₹16,400-3%-40,500/- by including 5 increments at 3% as provided thereunder.



2026:DHC:2863-DB



17. In view of the above analysis, we do not find any infirmity with the Impugned Judgment, which is hereby upheld. Accordingly, the present Appeal stands dismissed. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

APRIL 7, 2026

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