



2026:DHC:9148-DB



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 03 September 2026

Pronounced on: 15 October 2026

CNR No. DLHC010174932026

+ W.P.(C) 5589/2026 and CM APPLs.27305-306/2026

UNION OF INDIA & ORS.

.....Petitioners

Through: Balendu Shekhar CGSC
Mr.Krishna Chaitanya,
Mr.Rajkumar Maurya and
Mr.Divyansh Singh Dev, Advs.

versus

RAM AUTAR

.....Respondent

Through: Mr. Krishna Chandra Dubey.
Ms.Uma Tarafdar and Ms.Lenyin
Taggu, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT

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15.10.2026

VINOD KUMAR, J.

1. Petitioners have filed the present writ petition under Article 226 of the Constitution of India laying a challenge to the order dated 20.01.2025 rendered by the Central Administrative Tribunal, Principal Bench ("the Tribunal" hereinafter) in OA No.



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789/2024 whereby the said OA filed by the respondent herein was allowed.

BRIEF FACTS

2. The respondent was working as Assistant Director (Official Language) in the Income Tax Department, Ministry of Finance and retired from service on attaining the age of superannuation on 31.12.2008. Nearly 14 years thereafter, the respondent vide application dated 05.04.2023 and representation dated 16.06.2023, sought grant of the upgraded Pay Scale prescribed under the Office Memorandum No. F.70/11/2000-I/C dated 14.07.2003 issued by the Department of Expenditure, Ministry of Finance ("DoE" hereinafter).

3. Vide the aforesaid OM, the Pay Scales of Junior Hindi Translator, Senior Hindi Translator and Assistant Director (Official Language) belonging to Central Secretariat Official Language Service (CSOLS) cadre were revised to Rupees 5500-9000, Rupees 6500-10500 and Rupees 7500-12000 respectively, with notional effect from 01.01.1996 and with actual financial benefit accruing from 11.02.2003.

4. Subsequently, the DoE, vide OM dated 29.03.2004, clarified that the upgraded Pay Scales under the OM dated 14.07.2003 were applicable only to employees belonging to CSOLS cadre and could not be extended to similarly designated posts elsewhere. The said OM further directed withdrawal of the upgraded Pay Scales wherever the same had been extended to such posts.



5. The validity and applicability of the aforesaid OMs came to be considered in subsequent judicial proceedings. In one such matter, titled as ***Union of India v. Dhananjay Singh, (2014) 13 SCC 588***, the Supreme Court vide order dated 25.07.2013, upheld the grant of parity in pay to an employee who was working as a Junior Hindi Translator in the office of Commissioner of Central Excise I, Kolkata with Junior Hindi Translators working in the Central Secretariat, observing that there was no functional distinction in the work performed by the concerned translators.

6. Consequently, similarly placed employees belonging to non-CSOLS cadres, who were litigants in the matters pending before CATs and other High Courts pursuant to judicial orders, were granted parity in Pay Scales at par with their counterparts in the CSOLS cadre. In this background, DoE vide its order U.O. No. 15 (U.O.E.III(V)/2015) dated 29.07.2015, made the following observations: -

“This Department agrees to implement the live orders of CAT/Court, which are due for implementation, in the case of applications/petitioners to avoid contempt.”

7. Relying upon the aforesaid developments, the respondent vide application dated 05.04.2023 and representation dated 16.06.2023, sought grant of the upgraded Pay Scale by virtue of the OM dated 14.07.2003.

8. Respondent's application was rejected by his Department vide order dated 01.09.2023 principally on the ground that the



benefit of the upgraded Pay Scale could not be extended to him *suo motu*, as he was not a party to the proceedings in which such benefit had been granted to his other counterparts. The said order is reproduced as under:

“Please refer your application dated 05/04/2023, requested to this office implementation of up-graded Pay Scales as per Deptt. of Expenditure. Vide OM No. F.70/11/2000-I/C dated 14/07/2003 has issued orders for extension of higher Pay Scales of Rs. 5500-9000, 6500-10500 and 7500-12000 to the post of Jr. Hindi Translator, Sr.Hindi Translator and Asstt. Director w.e.f. 01/01/1996 notionally and actual benefit from 11/02/2003.

2. Department of Expenditure, Ministry of Finance vide O.M. dated 10/07/2003, clarified that the up of Pay Scales to the post of Central Secretariat official language Services (CSOLS) and could not be extended to similarly designated post elsewhere and directed all Central Deptt. to withdraw all up-graded Pay Scales, if allowed to them, in the case of the post of Jr. Hindi Translator, Sr. Hindi Translator and Asstt. Director.

3. In view of above, it is clear that benefit of up-graded Pay Scale of Rs 5500-9000, 6500-10500 & 7500-12000 could not be extended in your case Suo-Moto on the basis of the order of the CAT vide OA No. 100/139/2016 which was allowed in case of Smt Satish Sikka & Ms. Kaushal Taneja because you were not party in this CAT case or any other case which are mentioned in your application dated 05.04.2023.”

9. Aggrieved by the aforesaid rejection order, the respondent approached the Tribunal by way of O.A. No. 789/2024. The Tribunal after considering the submissions of the parties, vide impugned order dated 20.01.2025, allowed the Original Application in the following terms:



"6. Having heard the learned counsel for the parties and perused the materials available on record, it is a well settled law that a similarly situated person ought not to be denied the benefit. Onus lies upon the respondents to accord the benefits to the similarly situated person. A decision has already been taken by the respondents in terms of para 3 of the Office Order dated 14/16.08.2023, which reads as under:

"3. It is also mentioned that the revised Pay Scale similar to Central Secretariat Official Language Service (CSOLS) was introduced on notional basis from 01.01.1996 and on actual basis from 11.02.2003. In the matter of giving, their opinion was also taken from the Law Ministry which is presented as follows:-

"We have examined the reference it is noted that the Hon'ble High Court has categorically observed in Dhanjay Singh's case that the benefit given to the Hindi Translators of CSOLS should also be given to the similarly placed persons of the same cadre in any part of country. After dismissal of SLP, judgement of Hon'ble High Court has attained finality, rendering the same to be applicable to similarly placed persons it also covers parameters laid down by Hon'ble Supreme Court in case of Bharat Sanchar Nigam Limited and Arvind Kumar Srivastava (Supra)."

7. Therefore, we cannot take divergent view in the present matter since the applicant is similarly situated. Further, vide order dated 21.08.2017, the Hon'ble High Court in W.P.(C) 11862/2006 in the matter of **Anand Kishor & Ors vs. Union of India & Ors.** held as under:

"9. In view of the subsequent developments and decisions cited by the counsel for the petitioners which are not disputed by the respondents, the impugned judgment dated 26.5.2006 passed by the CAT in O.A. 914/2005 is quashed and set aside and it is directed that the petitioners shall be entitled to parity in Pay Scale with their counterparts working in the CSOLS, with effect from 1.1.1996, as has been granted to other similarly placed employees in terms of the orders dated 30.7.2015 and 03.08.2015.



Necessary steps in this regard shall be taken within three months from today and the arrears due to the petitioners shall be released contemporaneously, failing which, the same shall carry simple interest payable@ 9% p.a. at the end of three months.

10. The petition stands disposed on the above terms along with pending application with no order as to costs."

8. In view of the above, the present Original Application is allowed. The applicant shall be entitled to parity in Pay Scale with their counterparts as has been granted to other similarly placed employees in terms of para 3 of the orders dated 14/16.08.2023. The said exercise shall be carried out within a period of three months from the date of receipt of a certified copy of this order. Pending MAs, if any, shall also stand disposed of. No costs."

10. Petitioners-Union of India etc. have now approached this Court by way of the present writ petition assailing the aforesaid order of the Tribunal.

ARGUMENTS ADVANCED BY LEARNED CGSC

11. Mr. Balendu Shekhar, learned CGSC, vehemently opposes the grant of relief by the Tribunal to the respondent, advertent to the issue of limitation with regard to respondent's application and representation which were submitted after 14 years of his retirement. He further submits that the OM in controversy was issued in respect of CSOLS cadre and the same benefit could not be extended to the respondent being a fence-sitter for so many years.

12. Mr. Shekhar, learned CGSC, further submits that even if respondent is held to be entitled to the up-graded Pay Scales'



benefits as granted by the Tribunal to the respondent, the same could, at the most, relate back to three years prior to the institution of the OA.

13. Learned CGSC strongly relied upon ***Union of India v. Tarsem Singh, (2008) 8 SCC 648*** of the Supreme Court which was followed by the Supreme Court in ***Rushibhai Jagdishbhai Pathak v. Bhavnagar Municipal Corporation, (2022) 18 SCC 144***, in which the court has granted arrears of pre-revised Pay Scale to appellants for three years prior to date of filing of writ petitions.

ARGUMENTS ADVANCED BY LEARNED COUNSEL FOR RESPONDENT

14. Mr. Krishna Chandra Dubey, learned counsel for the respondent argues that it was incumbent upon petitioners to grant up-graded Pay Scales to the respondent in accordance with the concerned OM followed by the Supreme Court's order in ***Dhananjay Singh*** (supra) whereby, the Supreme Court found no reason to deny similarly situated Hindi Translator of other Departments the pay-parity with CSOLS employees.

15. Learned counsel for the respondent contends that petitioners cannot withhold payment or re-fixation of pay or pension and pensionary benefits of the respondent merely on the ground of delay and laches, whether in filing the OA or in seeking relief via a representation to the concerned authority. He added that the cause of action in the respondent's case is recurring as the present matter pertains to re-fixation of pay,



pension and pensionary benefits. Hence, constraints of delay, laches or limitation could not apply to such matters.

16. Learned counsel for the respondent in support of his contentions relied upon the judgments of the Supreme Court in ***S.K. Mastan Bee v. GM, South Central Rly., (2003) 1 SCC 184*** and ***S.R. Bhanrale v. Union of India, (1996) 10 SCC 172***.

17. Learned counsel for the respondent argued that granting respondent only three years of arrears would be in violation of Article 14 of the Constitution of India as respondent's counterparts were granted revised Pay Scales.

ISSUES

18. In view of the aforesaid contentions, the limited issues for consideration by this Court in the present writ petition are as follows:-

- (i) Whether the relief prayed by the respondent before the Tribunal was barred by limitation/delay and laches?
- (ii) Whether the Tribunal was justified in holding that the respondent is entitled parity in pay in terms of para 3 of the Office Order dated 14/16.08.2023 reproduced in para 6 of the impugned order?
- (iii) Whether the arrears in the present case, would be restricted to three years prior to the institution of the OA as held by the Supreme Court in ***Tarsem Singh*** (supra)?



ANALYSIS

19. First issue is of huge delay and laches in filing of the OA before the Tribunal. In **Tarsem Singh** (supra), it was held that highly delayed claims may be rejected on the ground of limitation or laches, however, there is an exception to this principle, which is, cases of continuing wrong which can be entertained despite delay. This exception however, would not apply where the interest of a third party is involved like in case of seniority and promotion, which is not the case here. Therefore, even if there are long delays, the Court would not deprive an employee who is suffering from recurring wrong on the part of the department. Therefore, the claim of the respondent rejected on the ground of delays and laches.

20. We would like to note that there are some employees who remain active and alert about various developments through Court judgments, new circulars/OMs or change in rule position. However, it is also a ground reality that a retired man becomes disconnected from his department and sometime even from his colleagues. In such a situation, it would not be appropriate to deprive a retired employee from benefits which his equally placed colleagues had received or are receiving. Rejecting the claim of such retired employee on the basis of limitation, delay or laches would be in violation of Right to Equality under Article 14 of the Constitution of India. Issue no. (i) is decided accordingly.

21. Now, we take up issue no. (ii). The Tribunal in the impugned judgment has simply granted the respondent – Ram



Autar the parity in Pay Scale with his counter parts in terms of para 3 of the office order dated 14/16.08.2023. There is no substance in the arguments of learned Counsel for the petitioner – Union of India, that parity cannot be granted because Department of Expenditure, Ministry of Finance vide OM dated 29.03.2004 withdrew all upgraded Pay Scales to the similar placed employees in the departments other than CSOLS. This OM lost its relevance in view of the batch of SLPs, namely, ***Union of India and Others vs. Rajesh Kumar Gond (2014) 13 SCC 588 (Dhananjay Singh)*** is the part of this batch). Admittedly the other counter parts of respondent have already got benefit of OM No. F.70/11/2000-I/C dated 14.07.2003.

22. In our view, the department cannot discriminate between its own employees i.e. the employees who went to the Court to get higher Pay Scale and the employees who did not.

23. Third is the issue as to whether the arrears in the present case would be restricted to three years prior to institution of OA as held by the Supreme Court in ***Tarsem Singh*** (supra) as argued by learned Counsel for the petitioner.

24. Learned Counsel for the respondent, on the other hand, placed reliance upon ***S.K. Mastan Bee v. GM, South Central Rly., (2003) 1 SCC 184***. It is argued that in this judgment Division Bench of the Supreme Court held that it was an obligation of the Railway to have computed the family pension and offer the same to the widow of its employee as soon as it becomes due to her. Consequently, the Supreme Court set aside



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the judgment of Division Bench of High Court of Judicature: Andhra Pradesh at Hyderabad which had restricted the claim of arrears of her pension from a date subsequent to 01.04.1992, on which the widow of the employee had sent a legal notice to department.

25. The conflict in the Coordinate Benches of the Supreme Court of India in ***S.K. Mastan Bee*** (supra) and ***Tarsem Singh*** (supra) was noticed by the Supreme Court of India in a very recent judgment (dated 20.08.2026) of ***Maya Banarjee v. Union of India and Others, 2026 SCC OnLine SC 1928***. The Supreme Court held that ***S.K. Mastan Bee*** (supra) has dealt with the specific issue of restricting past arrears of pension in more appropriate manner and that the same having not been considered by latter bench of equal strength in ***Tarsem Singh*** (supra), the only choice is to rely on ***S.K. Mastan Bee*** (supra). It was held that the legal position as laid down by the Supreme Court in ***S.K. Mastan Bee*** (supra) is of binding value.

26. After perusal of ***S.K. Masthan Bee*** and ***Maya Banerjee*** (supra), we are of the opinion that where it is the duty of the Department itself to provide parity in revised Pay Scales and consequent pension, the claim of employee cannot be restricted for a certain period as done in ***Tarsem Singh*** (supra). When through the judicial pronouncements, revised Pay Scales were granted to similarly placed employees of the same very department, it was the duty of the department to *suo motu* grant the same Pay Scales and pensions to the respondent also. As



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already stated that a retired employee normally becomes lonely, isolated and ignorant of the developments in service law and rules. In such a situation it would be highly discriminatory to deprive him of all the benefits which similarly placed employees of his own department have received.

27. Therefore, we find no substance in the argument of learned Counsel for petitioners that his arrears should be restricted for a period of three years prior to the filing of the original application. Consequently, it is directed that upgraded Pay Scales by virtue of Office Memorandum No. F.70/11/2000-I/C dated 14.07.2003 issued by the Department of Expenditure, Ministry of Finance for extension of higher Pay Scales of Rupees 5500-9000, 6500-10500 and 7500-12000 to the post of Junior Hindi Translator, Senior Hindi Translator and Additional Director respectively be extended to the respondent w.e.f. 01.01.1996 notionally and actual benefit from 11.02.2003. The pension be also fixed accordingly. All the arrears of pay and pension be released to the respondent within a period of three months from the date of receipt of certified copy of this order.

28. Pending applications are also disposed of.

VINOD KUMAR, J

C. HARI SHANKAR, J

OCTOBER 15, 2026

V/B

Signature Not Verified

Signed By: PRA MOD
KUMAR VAS
Signing Date: 16.10.2026
17:23:19

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