



2025:DHC:8030-DB



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

Reserved on: 04.08.2025
Pronounced on: 12.09.2025

+ W.P.(C) 11488/2025 & CM APPL. 47106/2025, CM APPL.
47107/2025

UNION OF INDIA AND ANRPetitioners

Through: Mr. Mukul Singh, CGSC.

versus

KAILASH CHAND SHARMA AND ORS.Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. The present petition has been filed by the petitioners, challenging the Order dated 25.11.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 1790/2016, titled ***Kailash Chand Sharma & Ors. v. Union of India & Anr.***, allowing the said O.A. with the following directions:

“(i) The order dated 01.04.2016 issued by the respondents (impugned order) is hereby quashed.

(ii) The respondents are directed to step up the pay scales of all the six applicants to Rs. 13,350/- with grade pay Rs.4800/- w.e.f.



2025:DHC:8030-DB



*01.01.2006 for applicants no.1 & 2 and w.e.f.
01.04.2006 for applicants no.3 to 6
respectively.
(iii) The above orders in (ii) above be
complied with within a period of 8 weeks from
the date of receipt of certified copy of this
order.”*

FACTS OF THE CASE:

2. The brief facts giving rise to the present petition are that the respondents were working as Subedar Major with the Indian Army for different periods between 30.07.1970 to 30.04.2004. After their superannuation, they were re-employed as ex-servicemen with the Aviation Research Centre ('ARC') on different dates. The respondent nos. 1 and 2 joined the said cadre on 25.10.2005 and 18.11.2005 respectively, that is, before the coming into force of the recommendations of the Sixth Central Pay Commission (in short, 'CPC'). The respondent nos.3 to 6 initially joined the ARC as Deputy Field Officer (Imagery Analysis Support) (DFO)(IAS) on 03.02.2003, 05.09.2001, 02.05.2002 and 03.06.2002, respectively, that is, prior to 01.01.2006. The respondent no.4 was later promoted to the post of FO(IAS) with effect from 01.04.2005, that is again prior to 01.01.2006, while the respondent nos. 3, 5 and 6 were later promoted to the post of Field Officer (Imagery Analysis Support) (FO)(IAS) with effect from 01.04.2006.

3. Sh. Mahaveer Singh Choudhary, who was a junior to the respondents, also joined the ARC as FO (IAS) on 04.05.2006, that is, subsequent to the respondent nos.1 and 2 being appointed to the said post, and also the respondent nos.3 to 6 being promoted to the said



2025:DHC:8030-DB



post. He was, therefore, their junior in the cadre.

4. Finding that there was an anomaly in the pay fixation inasmuch as while Sh. Mahaveer Singh Choudhary was placed in the Pay Band of Rs.9300-34800 with Grade Pay of Rs.4800/- and was drawing Rs.13,350 + Rs.4,800 = Rs.18,150/-, the respondents were being paid as under, the respondents approached the learned Tribunal by way of the above OA:

Respondent No.	Post of initial appointment	Pay in the pre-revised pay structure	Pay fixed in the revised pay structure after the implementation of the 6th CPC in the post of FO(IAS)
1	FO(IAS)	Rs.6,500/-	Rs.12,090/- + G.P. Rs. 4,800/-
2	FO(IAS)	Rs.6,500/-	Rs.12,090/- + G.P. Rs. 4,800/-
3	DFO(IAS) Promoted to FO(IAS) w.e.f. 01.04.2006	Rs.6,500/-	Rs. 12,090/- + G.P. Rs. 4,800/-
4	DFO(IAS) Promoted to FO(IAS) w.e.f. 01.04.2005	Rs.6,700/-	Rs. 12,470/- + G.P. Rs. 4,800/-
5	DFO(IAS) Promoted to FO(IAS) w.e.f. 01.04.2006	Rs.6,200/-	Rs. 11,540/- + G.P. Rs. 4,800/-
6	DFO(IAS) Promoted to FO(IAS) w.e.f. 01.04.2006	Rs.6,200/-	Rs. 11,540/- + G.P. Rs. 4,800/-



2025:DHC:8030-DB



5. The learned Tribunal has allowed with the O.A. with the above quoted directions. Hence, the present petition.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONERS

6. The learned counsel for the petitioners submitted that the Rules and the instructions of the Government of India do not provide for the stepping up of the pay in this manner. He submitted that at the time of joining of the respondents, who were re-employed, their pay was fixed as per 5th CPC, whereas at the time of joining of Sh. Mahaveer Singh Choudhary, the 6th Pay Commission was applicable and so his pay was accordingly fixed. He submitted that since different methodologies and rules for pay fixation were applicable to the respondents in regard with Sh. Mahaveer Singh Choudhary, the principle of stepping up cannot be invoked, hence, pay of the respondents could not be equated and stepped up at par with Sh. Mahaveer Singh Chaudhary.

ANALYSIS AND FINDING

7. We have considered the submissions made by learned counsel for petitioners, however, find no merit in the same.

8. The fundamental issue that arises for consideration is whether the respondents, being senior in the same cadre of FO(IAS), are entitled to stepping up of their pay to match that of their junior, Sh.



2025:DHC:8030-DB



Mahaveer Singh Choudhary, despite the difference in the dates of their re-employment and the consequent application of different Pay Commission recommendations.

9. It is undisputed that all six respondents were senior to Sh. Mahaveer Singh Choudhary in the Indian Army and they held the post of FO(IAS), when Sh. Mahaveer Singh Choudhary joined the same cadre; and despite being senior, the respondents were drawing lesser pay than Sh. Mahaveer Singh Choudhary.

10. As far as the respondent nos.3, 5 and 6 are concerned, the learned Tribunal held that the only defence raised by the petitioners herein with respect to the pay disparity, was Clause 3(iv) of the DoP&T OM dated 05.04.2010, which cannot come to their aid as these respondents had been promoted to the post of FO(IAS) post 01.01.2006, that is, when the Sixth CPC came to be implemented. We may quote from the Impugned Order as under:-

“18. When we come to the case of applicants no.3 to 6, they have joined in the promotion cadre of FO (IAS) after 1.01.2006. The respondents have incorrectly categorized them with those who have joined in the cadre of FO (IAS) prior to 1.01.2006 and accordingly incorrectly applied clause 3(iv) of DoP&T OM dated 5.04.2010. They deserve to be equated as RO (IAS) after 1.01.2006 and need to be given the revised Pay Band – 2 at Rs.9300-34800 with Grade Pay Rs.4800/- at par with Shri Choudhary who got similar Pay Band and grade pay. Accordingly, applicants no.3 to 6 who got revised pay in Pay Band – 2 at Rs.13,350/- with Grade Pay Rs.4800/-, their revised basic pay should be Rs.18,150/- as on 1.01.2006.”



2025:DHC:8030-DB



11. Coming to the claim of the respondent nos.1, 2 and 4, the learned Tribunal held that while Clause 3(iv) of the DoP&T OM dated 05.04.2010 would be applicable to them, the same cannot be applied *de hors* Fundamental Rule-22 and Note 10 below Rule 7 of the Central Civil Services (Revised Pay) Rules, 2008, and their pay needs to be stepped up to the level of their junior. The learned Tribunal further observed that the principle of parity in work place is governed by Articles 14 and 16 of the Constitution of India, which would entitle the respondent nos. 1 and 2 for stepping up of their pay to at least that of their junior, who belongs to the same cadre.

12. We find no infirmity in the above. The respondent nos.1 and 2, being senior to Sh. Mahaveer Singh Choudhary, cannot be drawing lesser pay than him, and if by the application of paragraph 3(iv) of the DoP&T OM dated 05.04.2010, the result is that their pay becomes less than that of Sh. Mahaveer Singh Choudhary, the same needed to be stepped up in terms of FR-22 and Note 10 below Rule 7 of the CCS (Revised Pay) Rules, 2008, and the principles akin thereto.

13. However, it is pertinent to note that respondent no. 4, who was promoted to the post of FO(IAS) with effect from 01.04.2005 (though inadvertently mentioned as 01.04.2006 in the Counter Affidavit to the OA filed before the learned Tribunal by the petitioner no.2), falls in the same category as respondent nos. 1 and 2, having attained the said post prior to 01.01.2006, when the Sixth CPC came into effect, rather than being grouped with the respondent nos. 3, 5 and 6. However, as



2025:DHC:8030-DB



noted in case of respondent nos. 1 and 2, this cannot be ground to deny him the relief.

14. We, therefore, find no infirmity in the Impugned Order.

15. The petition, along with pending applications, is accordingly dismissed.

MADHU JAIN, J

NAVIN CHAWLA, J.

SEPTEMBER 12, 2025/ssc/GB/P