



2025:DHC:8253-DB



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

Date of decision: 15.09.2025

+ W.P.(C) 4020/2007
UOI & ORS.

.....Petitioners

Through: Ms. Manisha Agrawal Narain,
Adv.

versus

HAR SAI

.....Respondent

Through: Mr. Sachin Chauhan, Adv.

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

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 21.03.2006 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in O.A. No. 471/2004, titled *Shri Har Sai v. Union of India & Ors.*, allowing the O.A filed by the respondent herein with the following directions:

“10. In the aforesaid situation, we direct the respondents to consider the applicant and similarly situated persons in the BPRD, who are working or have worked in the past in the BPRD, to be placed in the upgraded pay scale of Rs. 5000-8000/- w.e.f. 01.01.1996 and pay them consequential benefits upon the upgradation. The respondents will implement this order within three months from the date on which a copy of the order is received. No costs.”



2. As a brief background of the facts in which the present petition arises, the respondent herein was appointed as Statistical Assistant in the Bureau of Police Research & Development ('BPRD'), Ministry of Home Affairs, on 06.02.1996, on a regular basis in the pay scale of Rs. 1400-2300/-. In terms of the recommendations of the 5th Central Pay Commission ('CPC'), the normal replacement scale for the said post was Rs. 4500-7000/-, and the further upgraded replacement pay scale was Rs. 5000-8000/-, as per paragraph 81.17 of the 5th CPC recommendation.

3. The respondent, aggrieved by the non-grant of the upgraded pay-scale and redesignation to Statistical Investigator Grade II, made representations in that regard. The representations of the respondent were rejected on the recommendations of the Department of Expenditure (Implementation Cell), Ministry of Finance, which stated that the department had not agreed to the upgradation of the pay scale of Statistical Assistant in the BPRD as the 5th CPC had confined the upgradation in pay scale of Rs. 5000-8000 to only those posts of Junior Statistical Investigators and equivalent as were filled 100% by direct recruitment of graduates, and this condition was not satisfied in the case of the respondent, as the said post in the BPRD is filled primarily by transfer on deputation, failing which by direct recruitment.

4. Aggrieved by the same, the respondent filed the above O.A. before the learned Tribunal.

5. The learned Tribunal, in its Impugned Order, held that the recommendations of the 5th CPC did not confine the benefit of the upgraded pay scale only to those posts which were filled 100% by direct



produced before us and there is no other material on record or to which our attention has been drawn that may justify their stand. Rather, the 5th CPC recommendations point towards only future induction accordingly, which also follows from Government OM dated 30.6.1998. Besides, It is not explained why the applicant's selection by the SCC should not be regarded as direct recruitment. It is, however, noted that in the meanwhile the applicant had been promoted as Statistical Investigator Grade-IV In the pay scale of Rs.5000-8000/- and posted in the office of DGET, Shram Shakti Bhawan, New Delhi by order dated 01.3.2005 and relieved from BPRD."

6. The learned counsel for the petitioners places reliance on the Office Memorandum dated 30.06.1998, issued by the Ministry of Planning & Programme Implementation, Department of Statistics, which *inter alia* states as under:

"4. It will be seen from the above that the Implementation Cell of Ministry of Finance (Department of Expenditure) have agreed for the grant of upgraded scales of pay wef 1.1.96 to the following Group 'B' and 'C' statistical function posts in different Ministries/Departments subject to the condition that the administrative Ministries/Department of these posts agree in the principle to the recommended changes (as recommended by the 5th CPC) in the Recruitment Rules to the extent of direct recruitment and the educational qualifications, etc. and amend them, with the approval of the competent authorities thereafter:-

	<i>Post</i>	<i>Pre-revised scale of pay (Rs.)</i>	<i>Normal replacement scale of pay (Rs.)</i>	<i>Upgraded replacement scale of pay (Rs.)</i>	<i>Para 5 of 5th CPC's report</i>
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1.	<i>Sudpt. FOD</i>	1600-2900	5500-9000	6500-10500	81.15
2.	<i>A.S.. FOD</i>	1600-2660	5000-8000	5500-9000	81.16
3.	<i>Invstr.. FOD</i>	1400-2300	4500-7000	5000-8000	81.16
4.	<i>JS/Inv./Stat. Asstt.</i>	1400-2300	4500-7000	5000-8000	81.17
5.	<i>Sr. Stat. Inv./Asstt. etc</i>	1640-2900	5500-9000	6500-10500	81.17

(Emphasis supplied)

7. The learned counsel for the petitioners submits that a reading of the above would show that the upgraded replacement pay-scale was available only where the Recruitment Rules provide only for direct recruitment.

8. We are unable to agree with the above submission of the learned counsel for the petitioners. The above OM, in fact, required the relevant administrative Ministry/Department of the abovementioned posts, to agree to the changes in the Recruitment Rules as far as the educational qualifications for direct recruitment as recommended by the 5th CPC, “to the extent of direct recruitment”, and not to confine the relief only to those posts having ‘100% direct recruitment’ as the only mode of selection.

9. We, therefore, find no infirmity in the Impugned Order. The petition is accordingly, dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 15, 2025/hd/p/SJ