



2025:DHC:11845-DB



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 26.11.2025

Pronounced on: 24.12.2025

+ W.P.(C) 479/2022

RAMESH CHANDER SHARMA

.....Petitioner

Through: Mr. S.N. Kaul, Adv.

versus

UNION OF INDIA AND ORS .

.....Respondents

Through: Mr. Vikrant N. Goyal, Mr.
Kunal Dixit, Mr. Harsh Kr.
Singh, Mr. Piyush Wadhwa,
Advs.

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. This petition has been filed challenging the Order dated 04.03.2020 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 2728/2014, titled ***Ramesh Chander Sharma v. Union of India & Ors.***, whereby the learned Tribunal disposed of the said O.A. filed by the petitioner herein, with the following directions:

"12. We, therefore, partly allow the OA holding that the applicant is entitled to the upgradation to the Grade Pay of Rs. 5400/- on completion of four years of service in the Grade Pay of Rs. 4800/-. However, in view of the delay in approaching the Tribunal for



pursuing the claim, we deny him the arrears and the benefit shall be reflected in the form of last pay drawn, and thereby the revision of pension. This exercise shall be completed within a period of three months from the date of receipt of copy of this order, and the revised pension shall be paid prospectively. There shall be no order as to costs.”

BRIEF FACTS OF THE PRESENT CASE:

2. The petitioner joined the Central Industrial Security Force (CISF), Ministry of Home Affairs, Government of India, on 29.03.1971 as a Steno-Typist. He was subsequently promoted to the post of Stenographer Grade-II on 31.08.1976, and thereafter to the post of Senior Personal Assistant (Senior PA) on 28.07.1989, in the pre-revised pay scale of Rs.2000–3500.
3. Under the 5th Central Pay Commission (CPC), the petitioner was drawing the pay scale of Rs.6500–10500 as Senior PA.
4. The Ministry of Home Affairs (MHA) thereafter sanctioned the upgradation of one post of PS attached to Director General (DG), CISF, from the pay scale of Rs.6500–10500 to Rs.7500–12000, *vide* order dated 21.11.2008, which was implemented in the petitioner’s case through Notification dated 19.01.2009, granting him upgradation to the post of PS with effect from 21.11.2008.
5. Pursuant to the Department of Personnel and Training (DoPT) Office Memorandum dated 11.04.2001, the post of Senior PA held by the petitioner stood upgraded to the post of Private Secretary (PS). The said upgradation was formally adopted by the Central Industrial Security Force (CISF) *vide* Notification dated 03.06.2010, whereby



the petitioner was granted the benefit of upgradation with effect from 11.04.2001, replacing the earlier operative date of 21.11.2008.

6. Following the implementation of the 6th CPC, the petitioner's pay was fixed on 20.01.2011 by respondent no. 3 at the Basic Pay of Rs.19,530/- plus the Grade Pay of Rs. 4,800/- in the upgraded post of PS. It is the case of the petitioner that such fixation was contrary to the applicable rules governing revision of pay on completion of four years' service in the upgraded post.

7. Aggrieved thereby, the petitioner submitted a detailed representation dated 27.01.2011, seeking, *inter alia*, (i) placement in the pre-revised pay scale of Rs.8000–13500 upon completion of four years of service as PS with effect from 11.04.2005, and; (ii) re-fixation of his pay under the 6th CPC with effect from 01.01.2006 in Pay Band-2 (Rs.9300–34800) with Grade Pay of Rs. 5400/-, in terms of the Ministry of Finance Notification dated 29.08.2008.

8. The petitioner submitted further reminders dated 21.02.2011, 29.02.2012, and 15.07.2013. However, his representations remained unaddressed.

9. The petitioner superannuated on 31.03.2011. Even thereafter, he continued to pursue his claim for grant of benefits under the Modified Assured Career Progression Scheme (MACP).

10. The petitioner was then informed *vide* communication dated 25.09.2013 that the Ministry of Home Affairs had clarified that all financial upgradations are to be counted for the purposes of Modified Assured Career Progression Scheme (MACP), and since the petitioner



had already earned two regular promotions and one upgradation, he was not entitled to any further financial upgradation, including the 3rd MACP.

11. Aggrieved thereby, the petitioner approached the learned Tribunal in O.A. No. 2728/2014, wherein he sought the following ; (i) fixation of his pay in the pre-revised scale of Rs.8000–13500 with effect from 11.04.2005, (ii) grant of Grade Pay of Rs.5400 with effect from 01.01.2006 in terms of the 6th CPC , and (iii) conferment of the 3rd MACP with effect from 01.09.2008 carrying the corresponding Grade Pay of Rs.6600/-. (iv) arrears of pay and allowances arising from the grant of the Grade Pay of Rs.5400/- with effect from 01.01.2006, together with all consequential monetary benefits.

12. The learned Tribunal, *vide* the Impugned Order dated 04.03.2020, partly allowed the aforesaid O.A. filed by the petitioner, with the above-quoted directions.

13. Aggrieved by the Impugned Order, the petitioner has filed the present writ petition.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONER:

14. The learned counsel for the petitioner, at the very outset, submits that although several reliefs had been originally sought, he does not press on those other prayers in view of the Judgment of the Supreme Court in *Union of India & Ors. v. N.M. Raut & Ors.*, 2024 SCC OnLine SC 3873 and confines the scope of the present petition. The learned counsel clarifies that the petitioner now restricts his



submissions before this Court exclusively to the limited relief relating to the release of arrears of pay and allowances, together with all consequential monetary benefits and interest, arising from the grant of Grade Pay of Rs.5400/- with effect from 01.01.2006. He submits that no other substantive issue is being urged and the petitioner seeks adjudication only on the financial consequences flowing from his admitted entitlement to the upgraded Grade Pay from the said date.

15. The learned counsel for the petitioner further submits that once the petitioner's entitlement to the Grade Pay of Rs. 5400/- on completion of four years' service in the Grade Pay of Rs.4800/- stands duly recognised under the CCS (Revised Pay) Rules, 2008, the consequential arrears of pay and allowances from 01.01.2006 necessarily follow. He contends that the petitioner cannot be granted the benefit in principle, while being denied its monetary effect, as such this approach would reduce the recognised entitlement to a merely symbolic relief.

16. He places reliance on the Judgment of the Supreme Court in *Chairman, Railway Board v. C.R. Rangadhamaiah* (1997) 6 SCC 623, to submit that financial entitlements flowing from the applicable service rules cannot be curtailed or diluted by executive interpretation or administrative delay. He contends that once the petitioner's entitlement to the Grade Pay of Rs.5,400/- with effect from 01.01.2006 stands recognised, the consequential monetary benefits arising therefrom cannot be withheld, and refusal to release arrears amounts to an impermissible deprivation of the financial incidence of



that entitlement.

17. The learned counsel further places his reliance on the Judgment of this Court in ***Hari Ram & Anr. v. Registrar General, Delhi High Court*** 2017:DHC:7922-DB, wherein it was held as under:

“18. In the present case, it is noticed that the petitioners’ counterparts were granted the third financial upgradation, although they, like them were given the GP of ₹5400/-; they perform similar, if not identical functions. FC Jain (supra) is an authority that if such broadly identical functions are involved, both categories ought to be treated alike in regard to interpretation of pay norms, by the organization. Therefore, the principle of parity would result in acceptance of the petitioner’s claim. The second aspect which this court would emphasize is that unlike “stagnation” or performance based increments, or placement in higher scales, the grant of ₹5400/- is automatic, after the happening of a certain event, i.e. completion of four years’ service. This is quite different from promotion or placement in the selection grade, which is performance dependent or based on the availability of a few slots or vacancies (usually confined to a portion of the entire cadre: say 20%). The last reason is that both V.K. Sharma (supra) and Suresh Chand Garg (supra), in somewhat similar circumstances, accepted that the grant of a higher grade pay did not preclude the grant of the third financial upgradation.

19. In view of the foregoing analysis, the court is of opinion that the petition has to succeed. As a consequence, the respondents are directed to revise and fix the pay scales by granting the third financial upgradation, to the petitioners. They shall be entitled to consequential arrears and all consequential benefits; the payments shall carry interest @



9 per cent per annum. The payouts shall be made to the petitioners within 8 weeks. The petition is allowed, in these terms.”

(emphasis supplied)

18. He submits that the petitioner had persistently pursued his claim through multiple representations over several years and the authorities continued to consider these representations until the communication dated 25.09.2013, which finally rejected his request. Thus, the stand that the petitioner is disentitled to arrears on the ground of delay is unsustainable, as the petitioner cannot be penalised for the prolonged administrative processing of his claim.

19. He further submits that the similarly situated officers in allied organisations such as Shri T. Raghavan of the CRPF and Shri M.K. Sudarsanan of the BPR&D were granted the same benefit along with arrears and even the pension sanctioning authorities have recorded that once pay is refixed, consequential financial benefits cannot be reduced. The petitioner contends that denial of arrears only in his case, results in discrimination and is violative of Articles 14 and 16 of the Constitution.

20. He further submits that, as reflected in the departmental communications made in the cases of similarly placed officers such as Shri T. Raghavan and Shri M.K. Sudarsanan, the authorities themselves recorded that consequential benefits '*cannot be stopped or reduced*' except in situations of misconduct. He contends that as there is no allegation of misconduct or adverse material against the petitioner that could justify a departure from this administrative



position, therefore, withholding arrears in his case is neither supported by rule nor by precedent.

21. He further submits that the petitioner retired in 2011 after long and unblemished service, and denial of arrears has resulted in continued financial loss to him. He contends that once entitlement to the Grade Pay of Rs. 5,400/- is recognised from 01.01.2006, the monetary benefits flowing therefrom cannot be withheld and arrears must be released to give full effect to the upgradation.

22. He further submits that the respondents have not demonstrated any statutory bar or financial rule prohibiting the release of arrears. In the absence of such a bar, the petitioner contends that arrears cannot be denied based on unfounded apprehensions of financial impact, particularly when the same benefit has been extended with arrears to other officers of comparable grade and service profile.

SUBMISSIONS OF LEARNED COUNSEL FOR THE RESPONDENTS:

23. The learned counsel for the respondents submits that the petitioner is not entitled to the arrears of pay and allowances claimed by him. He contends that the petitioner's pay had been correctly fixed under the 6th CPC as Rs.19,530/- with Grade Pay of Rs. 4,800/- with effect from 01.01.2006, strictly in accordance with the applicable rules and executive instructions. The subsequent extension of the Grade Pay of Rs. 5,400/- to the petitioner does not, according to the respondents, create any right in favour of the petitioner to seek retrospective



monetary benefits.

24. He further submits that the petitioner had already availed two regular promotions and one financial upgradation in the course of his service career and therefore no further financial benefit, much less arrears is admissible to him under the governing rules. The respondents emphasise that the financial position of the petitioner stood settled on the basis of these promotions and upgradations and the subsequent recognition of eligibility for the Grade Pay of Rs.5,400/- cannot be treated as a basis for reopening past financial periods or for imposing retrospective liability upon the administration.

25. He further submits that the petitioner cannot rely on the cases of Shri T. Raghavan (CRPF) and Shri M.K. Sudarsanan (BPR&D), as those officers belonged to distinct organisations governed by separate administrative structures. Their pay fixation and consequential arrears were processed in accordance with the rules applicable to their respective departments. The petitioner, who belongs to an entirely different establishment, cannot claim parity by drawing upon decisions taken in unrelated cadres and therefore cannot derive any right to arrears on that basis.

26. He further submits that the respondents have already extended the Grade Pay of Rs. 5,400/- to the petitioner in compliance with the applicable instructions, and no further monetary relief is admissible. The respondents deny any liability for arrears and submit that, in the absence of entitlement to arrears, the question of granting interest does not arise.



27. On the issue of limitation, the learned counsel contends that the Tribunal correctly concluded that the petitioner had approached it belatedly with respect to arrears and consequential benefits claimed from 2001/2005/2006. Even assuming that the final rejection is dated 25.09.2013, the petitioner's claim for arrears stretching back to 2005–2006 remains barred by limitation. The principle of recurring cause of action cannot revive time-barred claims relating to pay revision, and service law uniformly restricts the grant of arrears to a maximum of three years.

ANALYSIS AND FINDINGS:

28. We have considered the submissions made by the learned counsels for the parties.

29. The principal issue that arises for determination is whether the petitioner, upon being found entitled to the Grade Pay of Rs. 5400/- on completion of four years of service in the Grade Pay of Rs. 4800/-, is also entitled to the consequential arrears of pay and allowances with effect from 01.01.2006, along with revision of pension and other retiral dues, together with interest. The question that therefore falls for consideration is whether the statutory entitlement to the higher Grade Pay under the CCS (Revised Pay) Rules, 2008 must necessarily be given full monetary effect from the date it becomes operative, including all consequential financial benefits.

30. The record reflects that the petitioner was upgraded to the post of PS with effect from 11.04.2001 and upon completing four years of service in that upgraded post on 11.04.2005, became entitled to the



next higher Grade Pay as per the statutory pay structure. With the implementation of the 6th CPC from 01.01.2006, the petitioner stood entitled to the Grade Pay Rs. 5,400/-. Such upgradation is rule-based and automatic, it operates upon the happening of a specified event and is not dependent on administrative discretion. Once the statutory right to the higher Grade Pay accrues, its monetary consequences follow as a matter of course, and it is not open to the respondents to confer the upgradation notionally while withholding the financial benefits arising therefrom.

31. It is well settled that financial entitlements emanating from statutory service rules constitute vested rights. The Supreme Court has consistently held that such rights cannot be curtailed, reduced, or postponed in the absence of a statutory mandate. No rule has been pointed out by the respondents that permits the withholding of arrears where the pay is retrospectively refixed. The creation of a distinction between recognition of entitlement and grant of actual monetary benefits is legally untenable and contrary to the foundational principles of service jurisprudence.

32. We place our reliance on the Judgment of the Supreme Court in ***Union of India & Ors. v. Tarsem Singh*** (2008) 8 SCC 648, the relevant paragraph of which is reproduced hereinbelow:

“7. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to



a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the reopening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or re-fixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion, etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. Insofar as the consequential relief of recovery of arrears for a past period is concerned, the principles relating to recurring/successive wrongs will apply. As a consequence, the High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.”

(emphasis supplied)

33. The material on record further shows that the petitioner continuously pursued his claim through detailed representations dated 27.01.2011, 21.02.2011, 29.02.2012, and 15.07.2013. The respondents communicated their final decision only on 25.09.2013. Thus, the matter remained under consideration, and the petitioner cannot be faulted for any alleged delay. In matters relating to pay fixation which have a recurring impact on monthly salary and retiral benefits, the wrong is a continuing one, and the cause of action



subsists so long as the incorrect fixation remains operative.

34. We further place our reliance on the Judgment of the Supreme Court in ***M.R. Gupta v. Union of India & Ors.*** (1995) 5 SCC 628, wherein it was held as under:

“5. Having heard both sides, we are satisfied that the Tribunal has missed the real point and overlooked the crux of the matter. The appellant's grievance that his pay fixation was not in accordance with the rules, was the assertion of a continuing wrong against him which gave rise to a recurring cause of action each time he was paid a salary which was not computed in accordance with the rules. So long as the appellant is in service, a fresh cause of action arises every month when he is paid his monthly salary on the basis of a wrong computation made contrary to rules. It is no doubt true that if the appellant's claim is found correct on merits, he would be entitled to be paid according to the properly fixed pay scale in the future and the question of limitation would arise for recovery of the arrears for the past period. In other words, the appellant's claim, if any, for recovery of arrears calculated on the basis of difference in the pay which has become time barred would not be recoverable, but he would be entitled to proper fixation of his pay in accordance with rules and to cessation of a continuing wrong if on merits his claim is justified. Similarly, any other consequential relief claimed by him, such as, promotion etc. would also be subject to the defence of laches etc. to disentitle him to those reliefs. The pay fixation can be made only on the basis of the situation existing on 1-8-1978 without taking into account any other consequential relief which may be barred by his laches and the bar of limitation. It is to this limited extent of proper pay fixation the application cannot be treated as time barred since it is based on a recurring cause of



action.”

35. We further place our reliance on the Judgment of the Supreme Court in ***C.R. Rangadhamaiah*** (supra), wherein it was held as under:

“20. It can, therefore, be said that a rule which operates in future so as to govern future rights of those already in service cannot be assailed on the ground of retroactivity as being violative of Articles 14 and 16 of the Constitution, but a rule which seeks to reverse from an anterior date a benefit which has been granted or availed of, e.g., promotion or pay scale, can be assailed as being violative of Articles 14 and 16 of the Constitution to the extent it operates retrospectively.”

36. The petitioner has also established that similarly situated officers in comparable Central Government organizations, such as Shri T. Raghavan and Shri M.K. Sudarsanan, were granted the benefit of Grade Pay Rs.5,400/- along with full arrears. The governing rules under the 6th CPC are uniform across ministries, and there is no rational basis for differential treatment. Denial of arrears to the petitioner, when identically placed officers have received them, amounts to hostile discrimination and violates the principles of equality enshrined in Articles 14 and 16 of the Constitution. The jurisprudence of this Court, including ***Hari Ram*** (supra), recognizes that the grant of Grade Pay of Rs.5,400/- carries with it the automatic obligation to release consequential arrears with interest.

CONCLUSION:



37. In view of the foregoing analysis, this Court is of the firm opinion that the petitioner's entitlement to the Grade Pay of Rs. 5,400/- with effect from 01.01.2006 stands fully established under the applicable statutory rules. Once such entitlement is recognized, the consequential monetary benefits cannot be withheld or diluted by administrative reasoning. The right to proper pay fixation is a substantive right and its denial directly affects the petitioner's livelihood, pension, and all ancillary retiral dues. The respondents' failure to grant arrears has therefore resulted in a continuing civil wrong which must now be remedied in full.

38. This Court also finds that the petitioner had diligently pursued his claim from the very inception. He raised the grievance at the earliest opportunity in 2011 and continued to do so until the final rejection issued in 2013. The petitioner remained vigilant and did not sleep over his rights. The long pendency of his representations can only be attributed to administrative inaction and it would be wholly unjust to penalize him for delays arising from the respondents' own process. Accordingly, no principle of delay or acquiescence can be invoked to defeat the rightful arrears that flow from his statutory entitlement.

39. In light of these considerations, this Court finds that the respondents were not justified in withholding the consequential arrears and benefits that necessarily arise from granting the petitioner the Grade Pay of Rs. 5400/- with effect from 01.01.2006. The denial is contrary to statutory rules, established judicial principles, constitutional guarantees of equality, and basic fairness. The petitioner



is therefore entitled not only to arrears but also to full revision of all retiral benefits, together with interest at an appropriate rate until payment is actually affected.

40. Accordingly, we direct the respondents to release to the petitioner the arrears of pay and allowances arising from the grant of Grade Pay Rs. 5,400/-, restricted to a period of three years prior to the date of filing of the present writ petition, together with interest at the rate of 6% per annum, and to effect all consequential revisions in pension and retiral benefits.

41. The arrears along with interest shall be paid to the petitioner within a period of eight weeks from today.

42. The petition is disposed of in the above terms.

43. There shall be no order as to costs.

MADHU JAIN, J.

NAVIN CHAWLA, J.

DECEMBER 24, 2025/k/pb