



2025:DHC:5878-DB



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

***Date of decision: 22.07.2025***

+ W.P.(C) 10475/2025  
UNION OF INDIA & ORS. ....Petitioners  
Through: Mr.Shashank Dixit, CGSC with  
Mr.Kunal Raj and Ms.Charu  
Khandelwal, Advs.

versus

INDIAN RAILWAY PHARMACIST ASSOCIATION  
THROUGH ITS WORKING PRESIDENT ANAND GUPTA,  
& ORS. ....Respondents  
Through: None.

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**  
**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**NAVIN CHAWLA, J. (ORAL)**

**CM APPL. 43518/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

**W.P.(C) 10475/2025 & CM APPL. 43519/2025**

2. This petition has been filed by the petitioners challenging the Order dated 16.10.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in O.A. No.1361/2015, titled ***Indian Railway Pharmacist Association, Through its Working President and Ors. v. Union of India through the General Manager and Ors.***, allowing the O.A. filed by the respondents herein.



3. The respondents had filed the above O.A., praying for the following relief:

*“(i) That the Hon’ble Tribunal may graciously be pleased to pass an order directing the respondents to revised the financial upgradation to the member of applicant No. 1 and other applicants w.e.f. 1.1.2006 in the revised pay scale/Grade pay by way of granting the 1<sup>st</sup> financial upgradation in Grade Pay of Rs. 4600/- and 2<sup>nd</sup> financial up-gradation in Grade Pay of Rs. 4800/- under ACP on completion of 12 and 24 of years of service upto 31.8.2008 with all consequential benefits including the arrears of pay and allowances w.e.f. 1.1.2006 or from the date of completion of 12 and 24 of years of service which is later.*

*(ii) That the Hon’ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dt.27.1.2015 (Annex.A/I) and consequently, pass an order directing the respondents to grant the first financial upgradation to the applicant No.3 w.e.f. 25.1.2007 in Grade pay of Rs. 4600/- under ACP scheme and second financial upgradation w.e.f. 25.1.2015 in Grade pay of Rs.4800/- with all the consequential benefits.”*

4. To give a brief background of the facts in which the present petition arises: under the 5<sup>th</sup> Central Pay Commission ( in short, ‘CPC’), the Pharmacist Cadre comprise of five-tier structure as under:

<b>5<sup>th</sup> CPC</b>	
<b>Designation</b>	<b>Scales (Rs.)</b>
<i>Pharmacist Gr. III</i>	<i>4500-7000</i>
<i>Pharmacist Gr. II</i>	<i>5000-8000</i>
<i>Pharmacist Gr. I</i>	<i>5500-9000</i>
<i>Chief Pharmacist Gr. II</i>	<i>6500-10500</i>
<i>Chief Pharmacist Gr. I</i>	<i>7450-11500</i>

5. The 6<sup>th</sup> CPC, while considering the pay structure for central



government employees, recommended for the merger of pay scales for several stages and, as far as the Pharmacist Group-C Cadre is concerned, it was recommended to comprise of a three-tier structure in Grade Pay of Rs.2,800/-, Rs.4,200/- and Rs.4,600/-.

6. Based on the recommendations of the 6<sup>th</sup> CPC, the Pharmacists were placed in the Grade Pay of Rs.4,200/- on completion of two years' regular service in the Entry Grade of Rs.2,800/PB-I.

7. The bone of contention between the parties is whether this placement would be treated as promotion for the purposes of the grant of the MACP benefits.

8. The learned Tribunal, by its Impugned Order, has placed reliance, *inter alia*, on the Office Order dated 05.08.2010 issued by the Ministry of Railways, which reads as under:

***“Sub: Revised pay structure of the common category posts of Pharmacists cadre – clarification reg.***

*Attention is invited to Railway Board's letter of even number dated 30.03.2010 on the above subject.*

*2. As per para 2 of Board's letter dated 30.03.2010 Pharmacist Grade II and Grade I will be merged and designated as Pharmacist (non-functional grade) in PB 2 with grade pay of Rs.4200/- and the grade will be granted to Pharmacist (entry grade) on non-functional basis after 2 years of regular service in the grade pay of Rs.2800. In view of this, the word 'promotion' appearing in para 3 of the letter may be read as 'placement'. Such placement will, however, be subject to vigilance clearance.*

*3. This issues in consultation with Establishment and Health Directorates and concurrence of the Finance Directorate of the Ministry of Railways.”*



2025:DHC:5878-DB



9. It has further found that the entry grade to the post of Pharmacist is in Grade Pay of Rs.4,200/- and all persons appointed on direct recruitment to the post of Pharmacist after 01.11.2013 have been initially placed in the said Grade Pay. The learned Tribunal further relied upon the Judgment dated 20.11.2017 of the High Court of Karnataka in Writ Petition No.110551/2017(S-CAT) titled ***Union of India and Ors. v. Indian Railway Pharmacists Association and Anr.***

10. The learned counsel for the petitioners submits that as the placement in the Grade Pay of Rs.4,200/- was on completion of two years of service, the same has to be treated as a promotion for the purposes of MACP.

11. We are unable to agree with the above submission of the learned counsel for the petitioners especially in light of the Circular dated 05.08.2010 of the Ministry of Railways itself, which has been reproduced hereinabove.

12. We also see no reason to take a different view from the Judgment of the High Court of Karnataka.

13. We, therefore, find no merit in the present petition. The same along with the pending application is, accordingly, dismissed.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**JULY 22, 2025/sg/ik**