



2025:DHC:2978-DB



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

Date of decision: 24.04.2025

+ LPA 268/2025
SECURITY PRINTING AND MINTING CORPORATION
OF INDIA LIMITED (SPMCIL)

.....Appellant

Through: Mr.Kamal Kant Jha,
Mr.Avinash Singh & Ms.Juhi
Mishra, Advs

versus

SHRI RAVI PRAKASH YADAV

.....Respondent

Through: None.

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

NAVIN CHAWLA, J. (ORAL)

CM APPL. 24041-42/2025 (Exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 24039/2025

2. This is an application seeking condonation of delay of 24 days in filing of the present appeal.

3. For the reasons stated in the application, the same is allowed and the delay is condoned.

LPA 268/2025 & CM APPL. 24040/2025

4. This appeal has been filed challenging the Judgment dated



10.02.2025 passed by the learned Single Judge of this Court in W.P.(C) 5566/2020, titled **Ravi Prakash Yadav v. Union of India & Anr.**, allowing the said writ petition filed by the respondent herein and quashing the Communication dated 05.02.2020 issued by the appellant. The appellant was further directed to proceed in terms of the decision dated 22.07.2014, whereby the respondent herein was granted the benefit of the conversion formula from the Central Dearness Allowance ('CDA') to the corresponding Industrial Dearness Allowance ('IDA') pay scales.

5. To give a brief description of the facts in which the present appeal arises, the respondent had applied for the post of Officer (Materials) in the appellant organization pursuant to the advertisement issued in March, 2011. The respondent was successful and was issued an Appointment Letter dated 30.03.2012. In the appointment letter, it was clarified as under:

"1. For the post of Officer (Material) at E-1 Level, the applicable scale of pay is Rs. 9300-34800/- with grade pay of Rs.4800/- (CDA). Allowances will be as per orders of the SPMCIL from time to time. Presently, the scale is on Central DA Pattern but shall be changed over to Rs. 16400-40500/- in Industrial DA Pattern."

6. The respondent accepted the appointment but requested an extension of the joining time. The same was granted to him by a Letter dated 25.04.2012, and the respondent eventually joined the service on 24.07.2012 and was posted at the Indian Government Mint ('IGM'), Hyderabad.

7. In the meantime, the Government of India, by an Order dated



27.06.2012, issued a communication for change-over from CDA to IDA pattern pay scale in respect of the Executives and the Non-Unionised Supervisors of the appellant. As far as the Officers [Grade E-1] were concerned, the CDA pay scale of Rs.9,300–34,800/- with grade pay of Rs.4,800/- was stated to correspond to the IDA pay scale of Rs.16,400–40,500/-. The change-over was to take effect from the date of the said order.

8. By a Circular dated 07.07.2012, the formula for fixation of the basic pay in the corresponding IDA pattern on such conversion for officers who were already in employment of the appellant, was also prescribed.

9. The respondent was paid his salary for the months of July and August, 2012 in accordance with the CDA pattern. Thereafter, applying an Office Order dated 14.09.2012, and taking the date of joining of the respondent in service as 24.07.2012, the basic pay of the respondent was revised to the IDA pay scale, with effect from September 2012, without the conversion formula and, therefore, without protecting his basic pay under the CDA pay scale.

10. The respondent represented against the same and the representations of the respondent were forwarded by the IGM to the Head Office of the appellant and there was an exchange of correspondence in this regard. The same has been duly noted by the learned Single Judge in the Impugned Order. For the purposes of the present appeal, it is sufficient to note here that by a Communication dated 22.07.2014, the Headquarters of the appellant, specifically referring to the case of the respondent and another officer, reiterated



the formula for conversion of the CDA pay scale to the corresponding IDA pay scale and directed that action should be initiated accordingly for the protection of the basic pay of officers on change-over from CDA to IDA pattern of pay scales. Further, specific directions were given by the Chairman and Managing Director of the appellant during his visit to the IGM on 14.08.2014, which were then incorporated in a Direction dated 23.08.2014, fixing the pay scale of the respondent under the IDA with the conversion formula.

11. The same continued till the year 2020, when by the Order dated 05.02.2020, that is, the order impugned before the learned Single Judge, the appellant re-revised the pay scale of the respondent on the basis that he had joined the appellant on 24.07.2012 that is, after 27.06.2012, when the IDA pay scale had come into operation. The same was challenged by the respondent in the form of the above Writ Petition.

12. The learned Single Judge has allowed the Writ Petition by, *inter alia*, observing as under:

“16. The impugned letter dated 05.02.2020 revisits the issue to the detriment of the petitioner, after the matter was already resolved by SPMCIL in its earlier communications. No reason is revealed in the order, except for the fact that the corporate office had apparently received grievances from other employees.

17. In the counter affidavit filed by SPMCIL also, the aforesaid factual position is not denied, but support is sought to be drawn from the advertisement and the appointment letter issued to the petitioner, wherein the shift from the CDA to IDA scale was contemplated.



Although an allegation has been made in the counter affidavit that the correspondence of 2012-13 was prompted by a misrepresentation on the part of the petitioner, no such misrepresentation has been identified. Repeated clarifications have been sought from Mr. Jha with regard to the exact misrepresentation made by the petitioner, but no such misrepresentation has been pointed out from the record. In fact, the communications referred to above, comprise of correspondence from IGM - not the petitioner - to the headquarters of SPMCIL, which expressly referred to the petitioner's date of joining, and sought clarification as to whether his pay is to be protected. The fact is that the petitioner was issued the joining letter prior to the notification dated 27.06.2012 and, although he joined after 27.06.2012, his pay for the first two months was processed under the CDA pay scales. The headquarters of SPMCIL, therefore, had all the facts before it, which were referred to it by its own unit, where the petitioner was posted. The respondent took a considered decision that his pay should be protected. That decision was repeated not just in one communication, but in several, as noted above.

13. The learned counsel for the appellant reiterates that the respondent, having joined the service after 27.06.2012, was entitled to only the pay scale under the IDA. He submits that this had also been clarified to him in his Letter of Appointment, the relevant paragraph of which has been reproduced hereinabove. He submits that, therefore, the fixation of the pay scale of the respondent, which was initially incorrectly done for the months of July and August, 2012 was revised from the month of September, 2012. He submits that it was due to some misconception on the part of the concerned authority of the



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appellant, that the pay scale of the respondent was again revised by an Order dated 23.08.2014 by adopting the conversion formula which was applicable only to the employees who were in employment of the appellant as on 27.06.2012. He submits that on this discrepancy being discovered by the appellant, the appellant rightly issued the Order dated 05.02.2020, thereby re-revising the pay scale of the respondent and seeking recovery of the excess amount paid to him. He submits that the learned Single Judge has, therefore, erred in passing the Impugned Order not appreciating that the respondent, having joined the service of the appellant after 27.06.2012, was not entitled to the fixation of the pay scale under the IDA by adopting the conversion formula. He submits that the other officers who had joined the service post 27.06.2012 were also given the IDA pay scale without the conversion formula and are still drawing the same.

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

15. In the present case, it is not denied that pursuant to the Advertisement in March, 2011 and on the respondent being found successful, he was issued the Letter of Appointment on 30.03.2012, that is, before the IDA pay scales had come into operation. The respondent had also accepted the offer of appointment by a Consent Letter dated 10.04.2012, that is, prior to the IDA pay scale coming into operation. It was only his joining that was delayed by a Letter dated 25.04.2012, granting him extension of a period of three months to join duty, because of which the respondent eventually joined the IGM on 24.07.2012. The respondent was, therefore, in service even



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prior to the IDA pay scales coming into operation, and correctly, the formula of conversion was to be applied in the case of the respondent. The learned Single Judge has also proceeded on the same basis, and we find no infirmity in the same.

16. We also find that though the revised pay scale was given to the respondent from at least August 2014 for a period of more than five years, it was re-revised by the Order dated 05.02.2020 that was impugned before the learned Single Judge, only because the other employees were also seeking similar benefits. In our view, this cannot be a ground for revision of the pay scale of an employee to his detriment without any notice to such employee.

17. We, therefore, find no merit in the present appeal. The same is, accordingly, dismissed.

18. Needless to state that the respondent has been granted the pay scale only on the peculiar facts of the present case.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 24, 2025/rv/SJ

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