



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Reserved on: 03.02.2025
Pronounced on: 25.04.2025

+ W.P.(C) 7956/2014
WALIMUDDIN KHAN AND ORS.Petitioners
Through: Mr.Shreenath A. Khemka,
Mr.Ganesh A. Khemka and
Mr.Shubham, Advs.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr.Manish Mohan, CGSC with
Mr.Jatin Teotia,Mr.Varenyum,
Ms.Aishani Mohan, Advs.
Col. Maheshwar Sharma

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

J U D G M E N T

NAVIN CHAWLA, J.

1. This petition has been filed under Article 226 of the Constitution of India, seeking a direction to the respondents to grant to the petitioners herein a revised pay scale of Rs. 5,000-8,000 with effect from 01.01.1996, in accordance with the Sixth Central Pay Commission ('6th CPC').
2. The petitioners have filed the present petition alleging therein that the petitioners were appointed as Assistant Chargeman (Signals) ('ACM(Op) Signals') in the Border Roads Organisation ('BRO') between 1985 and 1998 in accordance with the General Reserve Engineer Force Group 'C' and Group 'D' Recruitment Rules, 1982 ('Recruitment Rules').
3. The Recruitment Rules provided the essential qualification for appointment to the post of ACM (Op) Signals to be "3 Years



recognized Diploma in Electronics/Telecommunication/Radio Engineering". This post fell under the Technical Supervisory/JCOs Cadre and carried the pay scale of Rs. 4000-100-6000 (Pre-revised)/PB-1 with a Grade Pay of Rs. 2400/- (Revised).

4. In 1996, the Recruitment Rules were amended for certain posts including Overseer, Charge Mechanic, and Charge Electrician, whereby the "Diploma" was added as an essential qualification for these posts as well. However, no change was made in the qualification for ACM (Op) Signals as it already required a diploma qualification under the unamended Recruitment Rules.

5. The Fifth Central Pay Commission ('5th CPC'), in 1996, proposed that all posts requiring minimum qualification of Diploma in Engineering be granted the Pay Scale of Rs.5,000-8,000. Though the same was accepted by the Central Government with effect from 01.01.1996, it was not implemented by the BRO on the assumption that the benefit was to be granted to only those posts which were to be filled wholly by direct recruitment. Resultantly, various posts in the BRO, including ACM (Op) Signals, having an element of promotion, were not granted the said benefit.

6. Subsequently, the 6th CPC, in its report submitted in March 2008, recommended in Para 7.39.22 and 7.39.23 thereof, a higher pay scale of Rs. 5000-8000 (Pre-revised) retrospectively with effect from 01.01.1996 for all posts carrying minimum recruitment qualification of 3 years Diploma in engineering, thereby removing the 100% direct recruitment criteria.

7. The report of the 6th CPC was accepted by the Government of



India and implemented with effect from 01.01.2006 by the Central Civil Services (Revised Pay) Rules, 2008 ('Rules') published on 29.08.2008. As per Part-C, Section 11 of these Rules, the pay scale of Overseer in BRO was merged with the promotional post of Superintendent BR Grade-II and revised to the scale of Rs. 5000-8000.

8. On 22.9.2008, a letter was sent to the Union of India indicating that Overseers, BR-IIs, and E&M-IIs should be placed in the pre-revised scale of Rs. 5000-8000 with grade pay of Rs. 4200 in PB-2. However, in response thereto, the Central Government, *vide* a letter dated 03.10.2008, clarified that the pay of non-diploma holder Overseers, BR & EM-II, should be fixed in the corresponding pay band of pre-revised pay scale itself. Further clarifications were eventually provided by the Ministry of Finance, *vide* a letter dated 08.12.2008, regarding the non-requirement to look into the existence of a Diploma in Engineering while fixing pay for Overseers under the revised structure. Basis this direction, the office of the JCDA (BR), Gauhati, on 30.01.2009, issued a letter to all its accounts officers directing them to comply with the new pay fixation policy.

9. The Ministry of Finance parallelly also approved the retrospective application of the Rs.5000-8000/- pay scale for Diploma Holder Overseers effective from 01.01.1996, though with actual financial benefits accruing only from 01.01.2006, as per letter dated 25.02.2009. Following this approval, the Union of India issued directions on 13.05.2010 for the merger and re-designation of various positions including Superintendent BR-I, BR-II (Diploma holders),



and Overseers (Diploma holders), as JE(Civil), and Superintendent EM-I, EM-II (Diploma holders), Chief Mechanic (Diploma holders), and Chief Electrician (Diploma holders), as JE(E&M), pursuant to the merger of pay scales and upgradation of posts recommended in paragraphs 7.39.22 and 7.39.23 of the 6th CPC.

10. Subsequently, vide a letter dated 21.05.2009, the Union of India directed the Ministry of Defence (Finance/Border Road) that in pursuance of the recommendations of the 6th CPC, the pay scale of Charge Mechanic and Charge Electrician in BRO may also be upgraded from Rs. 4000-6000 (pre-revised) to Rs. 5000-8000 with effect from 01.01.1996 for the purpose of pay fixation, and actual benefits from 01.01.2006 be granted.

11. Benefits of the above was extended to the non-Diploma holders by the Gauhati High Court in ***Ghanashyam Vishwakarma v. Director General, Border Roads Organisation and others***, 2010 SCC OnLine Gau 416 (hereinafter referred to as, 'Ghanashyam'), and subsequently in ***M. Surenderan v. Union of India*** (judgment dated 31.01.2012 passed in W.P.(C) 256 of 2011).

12. While the case of the directly recruited diploma holders of the ACM(Op) Signals posts was also recommended by the Director General, BRO for consideration for grant of the revised pay scale benefits to the Ministry of Finance in 2009, the same was later withdrawn *vide* a communication dated 21.11.2014.

13. The petitioners submitted a representation for grant of similar benefits as were awarded in ***Ghanashyam*** (supra), which was rejected by the Director General, Border Roads *vide* the Order dated



21.03.2012, stating that no instructions for implementing court orders granting similar reliefs for other non-diploma holders had been received from the Border Roads Development Board, Delhi.

14. One of petitioners filed W.P.(C) 6338/2013 titled ***Raj Kishore v. Union of India and Ors.*** before this Court. This Court, *vide* Order dated 05.05.2014, directed the respondents to decide the representation filed by the petitioner for grant of revised pay scale, within a period of eight weeks by way of a speaking order. The petitioners claim that the said representation has not been decided.

15. Aggrieved by the same, the petitioners have approached this Court *vide* the present petition.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONERS

16. The learned counsel for the petitioners submits that after the implementation of the 6th CPC recommendations, diploma holders in the BRO were allowed to enjoy the scale of pay of Rs. 5000-8000 with effect from 01.01.1996 for the purpose of pay fixation, and actual benefits from 01.01.2006, however, the petitioners, despite holding a requisite diploma qualification, were not allowed the same benefit.

17. The learned counsel for the petitioners submits that the grant of the revised pay scale benefits in terms of the 6th CPC report has been interpreted liberally by various High Courts, and that the grant of revised pay scale has been allowed even to individuals in other cadres who are not having a diploma in engineering. In support, he places reliance on the Judgement of the Gauhati High Court in ***Ghanashyam*** (supra). He submits that the petitioner therein, who were in the Cadre of Overseer(Civil) and did not have a Diploma in Engineering as a



qualification, on being deprived of the pay scale of Rs. 5000-8000/- (pre-revised), had approached the Court and that the learned Single Judge, *vide* the Judgment dated 10.09.2010, had allowed the said writ petition with a direction that the petitioner therein would be entitled to the pay scale that was so authorized to the direct recruit Diploma holders in the Cadre of Overseer (Civil). He submits that the said Judgment was affirmed in appeal *vide* Judgment dated 18.03.2011 passed in Writ Appeal No. 19/2010, titled ***Director General Border Roads Organisation & Ors. v. Ghanashyam Vishwakarma*** (hereinafter referred to as, 'Ghanashyam Vishwakarma'). He submits that the Supreme Court also dismissed a Special Leave Petition filed by the respondents against the above Judgment, *vide* its Order dated 01.11.2011 passed in SLP(C) CC No. 14236/2011. He submits that the respondents later implemented the said Judgment.

18. He submits that in the case of ***Pramod Singh and others v. Union of India and others***, 2011:GAU-AS:1060, incumbent non-Diploma holders figuring in the Cadre of Charge Mechanic, recruited by way of promotion on account of possessing the alternative qualifications as mandated under the recruitment rules holding the field, were also extended the benefit of the upgraded pay scale.

19. Reliance is also placed on the Judgement of the Gauhati High Court in ***M. Surenderan*** (supra); on the order dated 30.04.2008 of the Madras High Court in W.P.(C) 12385 of 2004, titled ***All India Association of Customs, Central Excise & Narcotics, Electronic Maintenance Engineers v. Union of India and Ors.***; and on the Judgement of the Punjab and Haryana High Court in ***Sandeep Singh***



v. *Union of India*, 2024:PHHC:013819.

20. The learned counsel for the petitioners further submits that the respondents have, on multiple occasions, not challenged the prayer for grant of revised pay scale of other similarly placed individuals. Reliance to this effect is placed on the Judgement of the Supreme Court in *Unnikrishnan CV and Ors. v. Union of India and Ors.*, 2023 SCC Online SC 343.

21. He further contends that the Order of this Court in W.P.(C) 2513/2015, titled *Shailendra Kumar Pal and Ors. v. Union of India and Ors.*, dated 23.09.2015 is not applicable to the facts of the present case, in so far as the petitioners therein were mere beneficiaries of ACP scheme who were never promoted and therefore, never enjoyed the same status and privilege as that of regularly promoted Charge Mechanics.

22. The learned counsel of the petitioners also submits that the amendment to the Recruitment Rules, whereby the post of the petitioners herein has been converted into a 100% promotional post, was brought about in 2012, that is, after the entitlement of the petitioners for grant of revised pay scale benefits, therefore, will not have a retrospective effect to deny the benefit of revised pay scale to the petitioners. In support, reliance is placed on the Judgement of the Supreme Court in *Chairman, Railway Board and Ors. v. C.R. Rangadhamaiah and Ors.*, (1997) 6 SCC 623.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENTS

23. The learned counsel for the respondents submits that the



petitioners were appointed as ACM(Op)(Signals) in the BRO – a Group ‘C’ post, which was later re-designated as Assistant Chargeman (Communication). He submits that however, the petitioners are falsely claiming parity with the post of Overseers, Charge Mechanics, and Charge Electricians Cadre’s, despite there being fundamental differences in the recruitment method, nature of duties, qualification requirements, and cadre structure of the said posts.

24. He submits that in accordance with the unamended Recruitment Rules as well, the post of ACM (Op)(Signals) was a 100% promotional post, with other methods of recruitment available only under a "failing which" clause, which is in stark contrast to the post of Overseer which had 80% direct recruitment and 20% promotion. He further submits that the petitioners belong to the Group ‘C’ category and hence cannot claim to be similarly placed to the Overseers belonging to Group ‘B’.

25. He submits that the 6th CPC, in para 7.39.22 of its report, specifically recommended upgradation only for the post of Overseer (Civil) in BRO because it carried minimum direct recruitment qualification of Diploma in Engineering, and that this specific recommendation was subsequently extended to similarly situated personnel in Charge Mechanic and Charge Electrician cadres due to their similar recruitment pattern and qualification requirements. He submits that the petitioners' post does not fall within the purview of these recommendations as it differs fundamentally in method of recruitment and is not a direct recruitment post requiring Diploma qualification, and has different qualification requirements that are not



exclusively for Diploma holders.

26. He further contends that the Government Order dated 25.10.2013 clearly states that the benefit extended to **Ghanashyam Vishwakarma** (supra) should be given to "*all similarly placed employees, provided they are similar in all respects*" and that the petitioners manifestly do not satisfy this criterion. The learned counsel of the respondents submits that in any case, *vide* the Order dated 18.01.2024 of this Court in the present petition, this Court recorded the submission of the learned counsel for the petitioners that the petitioners shall not seek any benefit based on the Judgement of **Ghanashyam** (supra).

27. Placing reliance on the Judgement of this Court in **Amrutappa and Ors. v. Union of India and Ors.**, 2014 SCC Online Del 1297, he submits that it is a settled principle that courts do not frame policies with respect to financial packages of employees and it is the government which knows its purse and consequently determines pay and promotion policies, and unless the policy is clearly malafide or arbitrary or is otherwise arbitrary or discriminatory, interference with the policy decision is not warranted.

ANALYSIS AND FINDING

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

29. The petitioners were appointed as ACM(Op) Signals between the period from 1985 to 1998 in the pay scale of Rs. 380-12-500-EB-15-560, which was revised in accordance with the 4th CPC to Rs. 1320-30-1560-EB-40-2040. On the introduction of the 5th CPC, the



pay scale was then revised to Rs. 4000-100-6000, and after the 6th CPC to Rs.5200-20400 with grade pay of Rs.2400.

30. The 5th CPC, taking into account the anomaly where the posts requiring the qualification of ordinary graduation or a three-year diploma course in engineering, fine arts, etc., were in different pay scales, recommended that for improvement, entrants to the posts requiring graduation or a three-year diploma course as the minimum entry qualification would be placed in the pay scales of Rs.1400–2300, Rs.1600–2660, and Rs.1640–2900 upon induction. It further recommended revision of the pay scale as under:

“50.23 We have carefully considered the demands of the Federation and the views of the administrative Ministries/Departments in the light of our general approach on the pay scales of different professional/technical groups of staff and existing relativities between technical and non-technical categories. We have, as a general rule, decided to improve the initial recruitment pay scale of diploma engineers in government. We, accordingly, recommend following pay structure for engineering subordinate cadres:-

Existing (Rs.)	Proposed (in (Rs.)
1400-2300	1600-2660
1600-2660*	1640-2900
1640-2900*	1640-2900
2000-3200*	2000-3500
2375-3500	2375-3750
2375-3750	2500-4000

** some of these are graduates in engineering, others are diploma holders.*

50.24. These pay scales will apply mutatis-mutandis for diploma engineers in different cadres depending upon the availability of specific existing pay scales. We have also recommended specific pay structure for



different engineering cadres.”

31. The 6th CPC, in turn, stated that the above benefit of the 5th CPC should be extended to all posts carrying the minimum qualification of a Diploma in engineering. Extracts of the relevant recommendation are as under:-

“7.39.22 Higher pay scale has been demanded for the post of Overseer (Civil) in Border Roads Organisation on the ground that the minimum qualification for the post is Diploma in Engineering. The post carries minimum direct recruitment qualification of Diploma in engineering. These minimum qualifications had been prescribed in 1996. Fifth CPC, in their Report submitted in 1997, had recommended the scale of Rs.5000-8000 for all posts carrying minimum direct recruitment qualifications of Diploma in Engineering. This recommendation was accepted. The post should consequently have been extended the scale of Rs.5000-8000 w.e.f. 1.1.1996. This was, however, not done. The Commission, accordingly, recommends that the post of Overseer may be upgraded and merged with their promotional post of Superintendent BR Grade II (present scale Rs.4500-7000) and the combined cadre extended the scale of Rs.5000-8000. Since the Commission has recommended merger of the scales of Rs.5000- 8000, Rs.5500-9000 and Rs.6500-10500, the post will be placed in the revised Pay Band PB-2 of Rs.8700-34800 along with a grade pay of Rs.4200. Commission also advises the Government to implement this retrospectively from 1.1.1996, at least for the purposes of fixation of pay.

7.39.23 The post of Superintendent Grade II in the Civil Engineering and Electrical & Mechanical Cadre has been



extended the pay scale of Rs.4500-7000 even though the minimum qualifications of direct recruitment include diploma in Engineering. Fifth CPC had recommended placement of all posts requiring minimum entry level qualification for direct recruitment of Diploma in Engineering as Rs.5000-8000. Even though the recommendation was accepted by the Government, it has not been extended in respect of this post because only some of the posts are filled through direct recruitment. This is not the correct interpretation of Fifth CPC recommendation as per which all posts carrying minimum qualification of Diploma in Engineering for DRs had to be placed in the scale of Rs.5000-8000. The post of Superintendent Grade II has an element of direct recruitment, minimum qualifications for which is Diploma in Engineering. The Commission, accordingly, recommends that the post of Superintendent Grade II may be placed in the Pay Band PB-2 of Rs.8700-34800 along with a grade pay of Rs.4200 corresponding to the pre-revised scale of Rs.5000-8000 that is now being merged with the scales of Rs.5500-9000 and Rs.6500-10500. Other posts similarly placed and carrying minimum qualification of diploma in Engineering should also be extended this pay scale.”

32. The petitioners are aggrieved, as they claim that though the then prevailing Recruitment Rules for the post of ACM(Op) Signals required a minimum qualification of a Diploma in electronics/telecommunication/radio engineering or equivalent for direct recruitment, the benefit of the revised pay scale has not been extended to the petitioners and other similarly situated personnel.

33. On the other hand, the respondents, to justify the exclusion of



the petitioners from such benefit, submit that the 6th CPC had, in paragraph 7.39.22 reproduced hereinabove, had extended the benefit of pay revision/upgradation only for the post of diploma holder Overseer (civil/mechanical) and not for the post of ACM(Op) Signals. They have further contended that, in terms of the Recruitment Rules for the post of ACM(Op) Signals, direct recruitment is only a default method of recruitment for the said post and not the primary mode of recruitment. They submit that, therefore, the benefit of the revised pay scale under the 6th CPC recommendations cannot be extended to the personnel holding the said post.

34. To appreciate the above submission further, we would first quote from the Recruitment Rules, which, in Column 10 of the Schedule as far as the post of ACM(Op) Signals is concerned, state the following mode of recruitment:-

“Promotion failing which from the Army on posting/transfer and failing which by direct recruitment”

35. It is true that direct recruitment is a ‘*failing which*’ option, nonetheless, it still remains a mode of recruitment for the post. In fact, the petitioners themselves are directly recruited personnel to the post of ACM(Op) Signals. Therefore, the artificial distinction that is drawn by the respondents for denying them the benefit of the recommendation of the 6th CPC cannot be accepted.

36. We must herein note that it was only on the promulgation of the amended Recruitment Rules of 2012, which came into effect from 09.07.2012, that the mode of recruitment to the post of the erstwhile post ACM(Op) Signals now bearing the nomenclature of Assistant Chargeman (Communication), was changed to be only one from



promotion. The recommendations of the 6th CPC having come into effect from the year 2006, the amendment so made in the Recruitment Rules will not affect the rights of the petitioners in accordance with the then prevailing Recruitment Rules and the acceptance of the recommendations of the 6th CPC.

37. As far as the submission of the respondents that the benefit of the 6th CPC was confined only to the posts of Overseers/Superintendent Grade-II is concerned, the same also cannot be accepted. The 6th CPC, in clear and no uncertain terms, had also stated that '*other posts similarly situated and carrying minimum qualification of diploma in engineering*' should also be extended the revised pay scale. It is not in dispute that as per the then prevailing Recruitment Rules, the minimum qualification required for the post of ACM(Op) Signals was a three-year Diploma in the relevant field of engineering, and, therefore, in terms of the said recommendation, should have been extended the benefit of the revised pay scale.

38. In *Ghanashyam Vishwakarma* (supra), the Division Bench of the Gauhati High Court was considering a similar claim of personnel who had been appointed to the post of Mason and had later been promoted to the post of Overseers, which, in terms of the Recruitment Rules, required a Diploma in engineering as far as essential technical qualification for direct recruitment, that is for the 80% of the posts, is concerned. The Gauhati High Court, placing reliance on the recommendations of the 6th CPC, held that though the respondent therein was not holding a Diploma in engineering, as for direct recruitment the Recruitment Rules provided for a minimum



educational qualification of Diploma in engineering, the respondent therein was entitled to the grant of the upgraded pay scale. We quote from the Judgment as under:-

“8. Admittedly, respondent was promoted as Overseer on 15.6.1990 long before the enforcement of the Recruitment Rules, 1996. Under the General Reserve Engineering Force (GREF) Group ‘C’ and ‘D’ Recruitment Rules, 1982 10% of the post is to be filled up by direct recruitment while 90% of the post to be filled up by promotion from different posts including Mason who are matriculate with 3 years regular service in the grade subject to passing of the trade test. The respondent having had the requisite qualification required under Rules, 1982 was promoted to the post of Overseer on 15.6.1990. However, Rules 1982 having been partly amended the method of recruitment has been changed with additional qualification of having diploma in Engineering. The promotion and the appointment having been made on 15.6.1990 under 1982 Rules, subsequent modification in the Rules and the method for promotion to the post of Overseer would not be applicable to the respondents. These facts being not denied the appellants cannot deny the revised scale provided by the 6th Central Pay Commission for the post of Overseer in the scale of Rs. 5000-8000/- on account of having no diploma in Engineering. Since in para 7.39.22 of the 6th Central Pay Commission for the post of Overseers such qualification has not been indicated and the scale at Rs. 5000-8000/- having held the post of Overseer, the respondent having held the post of Overseer way back 15.6.1990 the appellants cannot deny such revised scale in view of the executive instruction. The learned Single Judge took much pain to arrive at decision, that the respondent is entitled to have the revised scale at Rs. 5000-8000/-. The learned Single Judge while deciding the writ petition took the ratio laid down by the Apex Court in the case of



Union of India vs Tulsiram Patel, etc. Reported in (1985) 3 SCC 398 (C.B) which has been followed by this court in Herman Bihari Singh Vs. State of Manipur. Taking recourse to the maxim “Espressum facit cessare tacitum” held that provisions made in para 7.39.22 by the 6th Central Pay Commission such provisions cannot be excluded by virtue of the letter No. 18368/6th CPC/Corr/DGBR/108/T&C dated 3.10.2008.”

39. The Special Leave Petition against the said Judgment has been dismissed by the Supreme Court *vide* the Order dated 01.08.2011. The petitioners have claimed that the said Judgment has also been complied with by the respondents, which fact, has not been denied by the respondents.

40. In a subsequent Judgment of the same High Court in *M. Surenderan* (supra), the said petition was disposed of following the Judgment in *Ghanashyam Vishwakarma* (supra), with respect to the petitioner therein, who was working as Superintendent, Border Roads Grade-II, however, was not holding a Diploma in civil engineering. Similar was the case in *Pramod Singh* (supra).

41. The Punjab and Haryana High Court in *Sandeep Singh* (supra), was considering a similar claim by personnel appointed to the post of Draftsmen Grade-II (Civil). The High Court, placing reliance on the Judgments of the Gauhati High Court in *Ghanashyam Vishwakarma* (supra) and *Pramod Singh* (supra), extended the benefit of the 6th CPC to the personnel appointed to the said post, holding as under: -

“16. From the perusal of judgments of Gauhati High Court, it is evident that Court has formed an opinion that benefit of revised pay scale should be available even to non-diploma holders. Employees working as Charge Mechanic or Overseers though not



possessing Diploma in Engineering have been extended benefit pay scale at par with Charge Mechanic or Overseers possessing Diploma in Engineering. The Court has considered that employees cannot be denied higher grade on the ground that they are possessing alternative essential qualification. The respondent in its different communications has considered Charge Mechanic at par with Draughtsman Grade-II. The respondent has further accepted judgment of Gauhati High Court and formed an opinion that benefit of said judgment should be extended to similarly placed employees. The petitioners are three years Diploma Holders in Engineering and respondent is denying benefit of revised pay scale on the sole ground that alternative essential qualification for the post of Draughtsman Grade-II is two years course of ITI. The qualification of two years course of ITI is an alternative qualification for the post of Draughtsman. The petitioners are three years Diploma Holders in Engineering and they were appointed on the basis of said qualification. The respondent has extended benefit of revised pay scale even to non-diploma holders, thus, it is iniquitous to deny benefit of revised pay scale to the petitioners who are three years Diploma Holders in Engineering.

17. In the wake of above facts and findings, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioners are entitled to pay scale as admissible to Charge Mechanics. It is made clear that petitioners would be entitled to pay revision from the date of their entitlement, however, they would be eligible to arrears from the date of filing writ petition because despite judicial precedents, respondent opted to remain silent. They shall further be not entitled to interest on arrears.”

42. A Special Leave Petition against the said Judgment has been dismissed by the Supreme Court by its Order dated 01.04.2025 passed



in SLP (C) 58989/2024, though leaving the question of law open.

43. The Supreme Court has also highlighted in the case of *Unnikrishnan* (supra) that the respondents themselves have not challenged the prayer for grant of revised pay scale of other similarly placed individuals. Further, the petitioners have rightly averred that the case of *Shailendra Kumar Pal* (supra) will not come to the aid of the respondents as the petitioners therein were mere beneficiaries of ACP scheme who were never promoted and therefore never enjoyed the same status and privilege as that of regularly promoted Charge Mechanics.

44. We may also further take note of the fact that in the present case, the relevant authorities have been making recommendations for extension of the benefit under the 6th CPC to the personnel appointed to the cadre of ACM(Op) Signals. By a communication dated 05.01.2010, the case of the petitioners for upgradation was recommended by the Joint Director (Admin). The same was again recommended by the DGG (Personnel) by a correspondence dated 07.01.2011, and again by the Joint Director (Admin) by Notes dated 30.01.2012 and 10.04.2013. The said proposal, however, was withdrawn by a Note dated 21.11.2014 by the Director DRI (Org) primarily on the ground that if the higher pay scale is granted to the petitioners, the same benefit may also have to be extended to the non-diploma holders in the said trade and radio mechanics. This, in our view, would not be a justified reason for denying the benefit of the revision of the pay scale to the petitioners. Yet another artificial distinction was also drawn by stating that unlike the posts of



Overseer/Charge Mechanics and Charge Electricians, the post of ACM (Ops) Signals by the amended Recruitment Rules, had now become a 100% promotional post and did not have the element of direct recruitment. However, as noted hereinabove, the change in the Recruitment Rules could not have been applied retrospectively by the respondents to deny the benefits, which had already accrued to the petitioners on the acceptance of the recommendations of the 6th CPC.

45. There can be no quarrel with the submission of the learned counsel for the respondents that generally, the Courts do not interfere with the financial policy decision of the Government, at the same time, once the Government has accepted the recommendations of the 6th CPC, it cannot be allowed to arbitrarily deny the benefit thereof to certain category of post, as is in the present case.

46. Accordingly, we allow the present petition and direct that the petitioners and other similarly situated personnel shall be entitled to the benefit of the pay scale of Rs.5000–8000 in terms of the recommendations of the 6th CPC with effect from 01.01.1996 for the purpose of pay fixation only and the actual benefits will accrue to the incumbents of these posts from 01.01.2006.

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

NAVIN CHAWLA, J.

SHAILENDER KAUR, J.

APRIL 25, 2025/rv/IK

Click here to check corrigendum, if any