

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

CWP No. 8045/2026

Decided on: 06.10.2026

Subhash Kumar

...Petitioner

Versus

The Additional Chief Secretary (Revenue) and Ors

. Respondents.

.....

Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹ Yes

For the petitioner:

Mr. Tek Chand Sharma,
Advocate.

For the respondents:

Mr. Sikandar Bhushan, Deputy
Advocate General.

Jyotsna Rewal Dua, J.

Petitioner seeks stepping up of his pay at par with that of his junior Shri Bal Kishan along with consequential benefits.

2. Brief set up of the petitioner's case is that he was appointed as qualified Patwari on 24.04.1991. Shri Bal Kishan was also appointed as qualified Patwari in October 1991. They were both promoted as Kanungo on 31.05.2010. They were subsequently promoted as Naib

¹ Whether reporters of the local papers may be allowed to see the judgment? yes

Tehsildar on 29.06.2016. Both petitioner and Shri Bal Kishan were next promoted as Tehsildar in March 2022. Petitioner's grievance is that, as per pay details for December 2025, his monthly basic pay was Rs. 65800/-, whereas that of Shri Bal Kishan was Rs. 69,800/-. There was difference of Rs. 4,000/- in basic pay of the two incumbents. For removal of this alleged pay anomaly, petitioner has preferred this writ petition seeking following substantive relief:-

“(i) That respondents may kindly be directed to all stepping up of pay of the petitioner at par with his junior Sh. Bal Kishan with all its consequential benefits retrospectively in a time bound manner.”

3. Learned counsel for the petitioner has submitted that respondents did not grant benefit of Fundamental Rule (FR) 22(1)(a)(i) to the petitioner at the time of promotion to the post of Kanungo on 31.05.2010. Thus, the first anomaly occurred at that stage and adversely affected petitioner's pay on revision of pay scale.

The second point urged is that Himachal Pradesh Civil Services (Revised Pay) Rules, 2022, that came into force with effect from 01.01.2016 under notification dated 03.01.2022, have not been correctly applied in case of petitioner. As a result of wrong application of these Rules, petitioner's pay has been refixed at much lower level than

that of Shri Bal Kishan. Therefore, petitioner's pay is required to be stepped up at par with that of Shri Bal Kishan from due date with all consequential benefits.

Reliance in support of above prayer has been placed upon ***Pyar Chand Sharma versus State of HP and another²***, more particularly to following paragraphs thereof:

“14. It is not in dispute that the petitioner was initially appointed as Forest Ranger with the respondent-Department earlier to S/Sh. Rupa Ram and Bardas Kashyap and joined his duties on 30.12.1961. It is also not in dispute that the aforesaid employees were promoted earlier to the petitioner to the post of HPFS cadre, being SC category candidates. As per seniority position ranging from 89 to 145, the persons who were working in the cadre of Forest Rangers, being the feeder category to the post of HPFS cadre, were called for interview and the petitioner, who was at Serial No.161 could not be called, since he did not fall within the zone of consideration on account of insufficient seniority. The aforesaid employees were promoted as ACF on ad-hoc basis in the cadre of HPFS vide Notification dated 07.07.1979 and thereafter the petitioner was promoted to the post of ACF on ad-hoc basis on 23.01.1982. It is also not in dispute that the petitioner was drawing higher pay than the aforesaid persons on the post of Forest Ranger, which was the feeding category to the post of ACF in the cadre of HPFS. It is also not in dispute that the petitioner, Sh. Rupa Ram and Sh. Bardas Kashyap were promoted to the post of HPFS on regular basis w.e.f. 22.12.1983

² CWPOA No. 870/2019 decided on 20.04.2026

and thereafter, the petitioner was assigned seniority above the aforesaid employees on the principle of “catch-up” as enunciated by the Hon’ble Supreme Court in **Ajit Singh and others (II) vs. State of Punjab and others, 1999 (7) SCC 209**. Once the petitioner had been promoted to the post of HPFS as ACF and assigned seniority above the aforesaid persons, the respondents ought to have granted him step-up, in view of provisions contained in FR 22C.

15. The principle of step-up is applicable in the present case for the reason that the employee who is senior in the feeder category and drawing more pay even after promotion to the next higher post after his junior, who is drawing more pay, is entitled to step-up. In the present case, admittedly, the petitioner was senior in the feeder category of Forest Ranger and after promotion got the seniority in the same cadre, in which, juniors to him were promoted earlier to him.

16. The Hon’ble Supreme Court in **Gurcharan Singh Grewal and others vs. Punjab State Electricity Board & others, (2009) 3 SCC 94**, took note of settled principle of law that a senior cannot be paid lesser salary than his junior and has held as under:-

“15. Mr. Chhabra also attempted to justify the disparity in the pay of Shri Shori and the appellant No.1 by urging that the appellant No. 1 had been granted the promotional scale with effect from 1st January, 1996, where the benefits of increment in the scale were lower. On the other hand, Shri Shori who joined the services of the Board in 1974, was granted the promotional scale on 17th May, 2006, with effect from 1st September, 2001, when the increments and the pay-scales were higher. Mr. Chhabra submitted that it is the disparity in the incremental benefits that led to the anomaly of the appellant No.1 getting a lower salary in the promotional scale.

16. Having regard to the submissions made on behalf of the respective parties, we have little hesitation in accepting Mr. Gupta's submissions that since the writ petition had been jointly filed on behalf of the appellants, whose interest was

common, the prayer therein should not have been confined to the appellant No.2 alone and that the High Court should have granted relief to the appellant No.1 also by directing that his pay also be stepped up to that of his junior, Shri R.P. Shori. Although, this question does not appear to have been gone into by the High Court for the simple reason that the writ petition was disposed of only on the averments contained in paragraph 7 of the written statement filed on behalf of respondents that the grievance of the appellant No.2 duly addressed, there ought to have been at least some discussion in the judgment of the High Court regarding the claim of the appellant No.1. Unfortunately, the case of the appellant No.1 was not considered at all by the High Court.

17. Something may be said with regard to Mr. Chhabra's submissions about the difference in increment in the scales which the appellant No.1 and Shri Shori are placed, but the same is still contrary to the settled principle of law that a senior cannot be paid lesser salary than his junior. In such circumstances, even if, there was a difference in the incremental benefits in the scale given to the appellant No.1 and the scale given to Shri Shori, such anomaly should not have been allowed to continue and ought to have been rectified so that the pay of the appellant No.1 was also stepped up to that of Shri Shori, as appears to have been done in the case of the appellant No.2.

18. *We are unable to accept the reasoning of the High Court in this regard or the submissions made in support thereof by Mr. Chhabra, since the very object to be achieved is to bring the pay scale of the appellant No.1 at par with that of his junior. We are clearly of the opinion that the reasoning of the High Court was erroneous and the appellant No.1 was also entitled to the same benefits of pay parity with Shri Shori as has been granted to the appellant No.2."*

17. Not only this, the Hon'ble Supreme Court had again the occasion to deal with the similar proposition in **Union of India and others vs. C.R. Madhava Murthy and another, (2022) 6 SCC 183**, wherein the senior employees were denied step-up on the ground that the employee junior to the petitioner was granted upgradation under the ACP scheme, earlier who started drawing higher pay. The Hon'ble Supreme Court considering the import of FR 22, which provides for

stepping up of pay and removal of anomaly by stepping up the pay of the senior, on promotion drawing less pay than his junior, held that the senior cannot be granted less pay. The relevant paras of the judgment read as under:-

“9. Having heard Ms. Madhvi Divan, learned ASG and considering the facts and circumstances of the case, which has emerged from the impugned judgment and order passed by the High Court, it cannot be said that the original writ petitioners were as such claiming the stepping up of the pay under the ACP Scheme. Their grievance was with respect to the anomaly in the pay scale and their grievance was that while granting upgradation under the ACP Scheme, their juniors were getting higher salaries than what they receive. Therefore, it was a case of removal of anomaly by stepping up of pay of seniors on promotion drawing a less pay than their juniors.

10. The High Court has therefore rightly relied and/or considered FR 22 and the order issued by the Government of India on removal of anomaly by stepping up of pay, which reads as under:

“(22) Removal of anomaly by stepping up of pay of Senior on promotion drawing less pay than his junior (a) As a result of application of FR 22 C. [Now FR 22 (I) (a) (1)]. In order to remove the anomaly of a Government servant promoted or appointed to a higher post on or after 1-4-1961 drawing a lower rate of pay in that post than another Government servant junior to him in the lower grade and promoted or appointed subsequently to another identical post, it has been decided that in such cases the pay of the senior officer in the higher post should be stepped up to a

figure equal to the pay as fixed for the junior officer in that higher post. The stepping up should be done with effect from the date of promotion or appointment of the junior officer and will be subject to the following conditions, namely:

(a) Both the junior and senior officers should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre;

(b) The scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical;

(c) The anomaly should be directly as a result of the application of FR-22-C. For example, if even in the lower post the junior officer draws from time to time a higher rate of pay than the senior by virtue of grant of advance increments, the above provisions will not be invoked to step up the pay of the senior officer."

The orders refixing the pay of the senior officers in accordance with the above provisions shall be issued under FR-27. The next increment of the senior officer will be drawn on completion of the requisite qualifying service with effect from the date of refixation of pay.

11. Therefore, it was a case where a junior was drawing more pay on account of upgradation under the ACP Scheme and there was an anomaly and therefore, the pay of senior was required to be stepped up. Hence, in the facts and circumstances of the case, the High Court has rightly directed the appellants herein to step up the pay of the original writ petitioners keeping in view of pay scale which has been granted to the juniors from the date they have started drawing lesser pay than their juniors. We are in complete agreement with the view taken by the High Court. No interference of this Court is called for."

18. *In the present case, the law propounded by the Hon'ble Supreme Court in the aforementioned cases is squarely applicable for the reason that in the present*

case, the petitioner was senior in the feeder category of Forest Rangers and was drawing more pay than his juniors mentioned above. Further even after his promotion to the post of ACF being HPFS cadre post, he was assigned seniority above his juniors and, therefore, he could not have been granted less salary, as compared to his juniors.

19. The plea taken by the respondents that petitioner was granted higher pay-scale after completion of 16 years' of service from the date of his promotion, cannot be countenanced for the reason that, once the petitioner was promoted to the post of ACF, he had regained the seniority position as per law laid down by a Constitution Bench of the Hon'ble Supreme Court in **Ajit Singh's** case (supra), thus, could not have been paid less than his juniors.

20. It is admitted case of the respondents that the petitioner and his juniors, who were paid higher scale, were promoted to the post of ACF on regular basis w.e.f. 22.12.1983 and further it has categorically been admitted by the respondents-State that had the aforesaid employees were promoted on regular basis on 07.07.1979, rather than on ad-hoc basis, they would have been senior to the petitioner. Once it has been admitted by the respondents that the petitioner and the aforesaid employees were promoted to the post of HPFS on regular basis on 22.12.1983 and the petitioner became senior to the aforesaid employees, the petitioner could not have been granted the less pay.

21. Consequently, in view of the discussion made hereinabove, the present petition is allowed and impugned order dated 16.03.2012 (Annexure P-8) is quashed and set aside and the respondents are directed to pay same pay-scale to the petitioner from the date when the aforesaid employees namely, Sh.Rupa Ram and

Bardas Kashyap were granted, on notional basis and on actual basis three years prior to filing of the present petition. In case arrears of step-up are not released in favour of the petitioner within three months from today, it shall carry interest @6% per annum from the due date till its actual payment.”

Learned Deputy Advocate General has opposed the petition by putting forth the case set up by the respondents in their reply, that is essentially based upon facts of the case.

4. Heard and considered the case file.

4(i) Petitioner's first contention is that he was denied the opportunity to exercise option for coming over to higher pay scale/promotional pay scale at the time of his promotion to the post of Kanungo on 31.05.2010. This assertion of the petitioner has been demonstrated to be factually incorrect by the respondents in their reply. Petitioner as also his junior Shri Bal Kishan alongwith others were promoted as Kanungo under office order dated 31.5.2010 (Annexure R-2/3). The said promotion order contained a clause giving option to the promoted individuals for pay fixation to be exercised within one month. The documents on record reflect that pursuant to the aforesaid option provided under office order dated 31.5.2010, the

petitioner exercised a specific option on 29.6.2010 (Annexure R-2/8) for fixing his pay on promotion from the date of joining the promotional post of Kanungo, i.e. 15.06.2010. It is consequent upon specific option exercised by the petitioner, his pay was fixed with effect from 15.06.2010, that is the date on which he joined the promotional post. The respondents have also placed on record the option exercised by petitioner's junior Shri Bal Kishan Sharma on 29.06.2010 (Annexure R-2/9). Shri Bal Kishan opted for fixing his pay on promotion after accrual of next increment in the lower post (Patwari), i.e. with effect from 01.01.2011. Accordingly, the respondents fixed pay of Shri Bal Kishan with effect from 01.01.2011 after grant of increment to him in the lower post of Patwari. In this manner, Shri Bal Kishan first earned the increment in the feeder post and subsequently obtained the benefit of pay fixation on his promotion as Kanungo, whereas, the petitioner opted for immediate fixation of pay from the date of joining the promotional post of Kanungo. The respondents' stand therefore is justified that resultant difference between the pay of two incumbents was a direct consequence of different options voluntarily exercised by them consequent upon their

promotion to the post of Kanungo.

Petitioner's factual assertion of having been denied opportunity to exercise option for coming over to promotional pay scale at the time of his promotion to the post of Kanungo on 31.05.2010 is thus incorrect. Not only the opportunity to opt for coming to the promotional pay scale was provided to the petitioner in the order dated 31.05.2010 but the same was also availed by him and option was exercised on 29.06.2010. Here it needs to be noticed that in view of option voluntarily exercised by the petitioner, he had been drawing less pay than Sh. Bal Kishan w.e.f. 31.05.2010 without any demur or protest. It was on 03.09.2019 (Annexure R-2/5) that petitioner represented to the respondents for removing alleged anomaly in his pay scale. Respondents turned down petitioner's prayer on 30.06.2020 (Annexure R-2/7). Petitioner took another six years in instituting this writ petition (on 06.04.2026). Petitioner's claim is otherwise barred by unexplained delay and laches.

4(ii) The next point urged for the petitioner in relation to his drawing lesser pay than Sh. Bal Kishan is centered around H.P. Civil Services (Revised Pay) Rules, 2022. The

Revised Pay Rules, 2022 notified on 03.01.2022 came into force w.e.f. 01.01.2016. Rule 6 of these Rules provides for an option to be exercised by a Government servant within the prescribed period for switching over to the revised pay scale as also the mode & modalities thereof:-

“6. Exercise of option

(1) The Government employee shall exercise option in the Form appended to these rules so as to reach the authority specified in sub-rule (2), within a period of one month from the date of notification of these rules:

Provided that:

(i) in the case of a Government employee, who on the date of notification of these rules, is out of India or on leave or on deputation or on foreign service or on active service, the option shall be exercised in the said Form so as to reach the said authority within a period of one month from the date of his taking the charge of his post under the State Government, if that date is later than the date specified in this sub-rule; and
(ii) where a Government employee is under suspension on the date of notification of these rules, the option shall be exercised within a period of one month from the date of his return to his duty, if that date is later than the date specified in this sub-rule.

(2) The option in the Form shall be submitted by the Government employee to the Head of the Office.

(3) If the option is not received within the time specified in sub-rule (1), the Government employee shall be deemed to have opted/ elected to be governed

by the revised pay structure with effect from first day of January, 2016. The Head of the Office shall determine his pay in the revised pay structure with reference to provisions of rule 7 of these rules.

(4) The option once exercised shall be final.

Note 1. Persons, whose services were terminated on or after the first day of January, 2016 and who could not exercise their option within the specified period, on account of discharge on the expiry of the sanctioned posts, resignation, dismissal or discharge on disciplinary grounds, shall be entitled to the benefits under these rules, if otherwise admissible.

Note 2. Persons, who have died on or after the first day of January, 2016 and could not exercise the option within the specified period shall be deemed to have opted for the revised pay structure on and from the first day of January, 2016 or any subsequent date which is most beneficial to their dependents.

Note 3. Persons, who were on earned leave or any other leave on the first day of January, 2016, which entitled them to leave salary, shall be allowed the benefits admissible under these rules.”

Rule 7 delineates fixation of pay under different mechanisms (options):-

“7. Fixation of pay in the revised pay structure.

The basic pay of a Government employee shall, unless in any case, the Government by special order otherwise directs, be fixed in the revised pay structure in the following manner:

(1) Fixation of Pay of Government employees recruited/ appointed before 01.01.2016.

(a)

(b)

(II) Fixation of Pay of regular Government employees recruited/ appointed on or after 01.01.2016 to till the date of issuance of these Rules: The pay of Government employees shall be determined/ revised in following manner:-

(a)

(b)

(III) Protection of benefits under the existing Assured Career Progression Scheme:

(i)

(ii)

(iii)

(IV) Fixation of pay of employees appointed by direct recruitment on or after issuance of these rules: The pay of Government employees shall be fixed at 'First Ceil' in the Level of Pay Matrix, applicable to the post to which such employees are appointed."

Under rule 7, there are several options available to a government servant to choose from, for exercising option to switch over to the revised pay scale viz by factor of 2.59, 2.25 etc. A separate notification was also issued by the respondents on 10.02.2022 providing yet another option of enhancement by 15%.

Rule 8 of the Revised Pay Rules 2022 provides for fixation of pay on promotion:-

"8. Fixation of pay on promotion.

The fixation of pay in case of promotion from one Level to another in the revised

pay structure shall be made in the following manner, namely:

(I) (the Government employee shall progress ahead on the horizontal range in Pay Matrix on Promotion/ non-functional financial upgrade;

(II). On promotion from one Level to another, the Government employee shall have an option to get his pay fixed in the higher post either from the date of his promotion or from the date of his next increment. The option may be exercised within a period of one month from the date of his promotion;

(III) In case, the Government employee opts to get his pay fixed on the higher post from the date of his promotion, one increment shall be given in the Level from which the Government employee is promoted and he shall be placed at a Cell equal to the figure so arrived at in the Level of the post to which promoted, and if no such Cell is available, he shall be placed at the next higher Cell in that Level. The next increment in the higher post shall be granted after completion of qualifying service of twelve months (See Illustration No. 11);

(IV) (in case, the Government employee opts to get his pay fixed from the date of his next increment, in the Level of the post from which Government employee is promoted, his pay shall be regulated as under:-

(a) from the date of promotion till his date of next increment, the Government employee shall be placed at the next higher Cell in the Level of the post to which he is promoted;

(b) subsequently, on the date of next increment, in the Level of the post to which Government employee is promoted, his pay shall be re-fixed and two increments (one accrued on account of annual increment and the second accrued on account of

promotion) may be granted in the Level from which the Government employee is promoted and he shall be placed, at a Cell equal to the figure so arrived, in the Level of the post to which he is promoted; and if no such Cell is available in the Level to which he is promoted, he shall be placed at the next higher Cell in that Level (See Illustration No. 12); and

(c) The next increment in the higher post in this case shall be granted after completion of qualifying service of twelve months from the date of re-fixation; and

V) In case of a Government employee, who stand promoted between the period from 1st day of January, 2016 to the date of notification of these rules, the option may be exercised by him within a period of one month from the date of such notification along with the option for pay revision as per rule 6. The option once exercised shall be final. The pay structure of promotional post in the level of Pay Matrix shall be corresponding to the pay band and grade pay of such post under the Revised (Pay) Rules, 2009."

Petitioner exercised option for switching over to Revised Pay Scale 2022, on 31.01.2022 (Annexure R-2/10) by factor of 2.59. His pay was fixed accordingly. Sh. Bal Kishan opted for 15% enhancement on 24.02.2022 (Annexure R-2/11) for coming over to Revised Pay Scale. In this manner, their pay sales were accordingly fixed and were resultantly different. Here it would be pertinent to quote Rule 9 of the Revised Pay Rules 2022 that gives instances

where step up of pay is admissible and where it is not admissible:-

9. Stepping up of under these Rules

The anomaly in pay arisen due to revision of pay under these under these rules shall be regulated as under:

(1) Cases where stepping up will be admissible subject to provisions of sub-rule (ii) of this rule:

(i) Where in the fixation of pay under these rule, a Government employee, who in the existing pay structure, was drawing immediately before the first day of January, 2016, equal or more pay than another Government employee junior to him in the same cadre, gets his pay fixed in the revised pay structure in a Cell lower than that of such junior, his pay shall be stepped up to the same Cell in the revised pay structure as that of the junior.

(ii) In case, where a senior Government employee promoted to a higher post before the first day of January, 2016, draws less pay in the revised pay structure than his junior, who is promoted to a higher post on or after the first day of January, 2016, the pay of the senior Government employee, shall be stepped up in the revised pay structure to an amount equal to the pay, as fixed for his junior in that higher post. The stepping up shall be done with effect from the date of promotion of the junior Government employee subject to fulfillment of the following conditions, namely:-

a. the junior and the senior Government employees should belong to the same cadre and the posts in which they have been promoted

should also be identical in the same cadre.

b) the existing Pay Structure and Pay Matrix Level of the lower and higher posts in which they are entitled to draw pay should be identical;

(c) the senior Government employee at the time of promotion to higher level should have been drawing equal or more pay than his junior;

(d) the anomaly in pay should be directly as a result of application of the provisions of these rules:

Provided that the benefit of stepping up of pay can be allowed to the senior second time, if the anomaly has arisen with reference to the pay of the same junior in respect of whom the pay of the senior was stepped up first time:

Provided further that the senior Government employee shall be entitled to earn next increment on the same date as that of his junior with respect to whom he had got step up in his pay.

(2) Cases, where stepping up of pay will not be admissible:

(i) If difference in pay is due to exercise of option for pay fixation on revision by a different factor.

(ii) If difference in pay is due to the application of the instructions issued by the Government with regard to implementation of Assured Career Progression Scheme.

(iii) If the senior Government employee exercises an option to get his promotion/ pay fixation, postponed.

iv) If in the lower post, the junior Government employee was drawing more pay in the

existing scale/pay structure than his senior by virtue of any advance increments) granted to him or due to any inflation in pay other than by way of normal pay fixation. (v) The increment of senior Government employee should not have been stopped/withheld due to penalty or otherwise."

Petitioner's case is covered against him even under Rule 9(2) of above Rules. The difference in his pay scale is due to exercise of different option by him for his pay fixation by a different factor. Hence, his pay cannot be stepped up. There is no challenge to the Rules framed in exercise of powers conferred by Article 309 and Clause (3) of Article 187 of the Constitution of India. Petitioner's claim for step-up of his pay cannot be sustained on the basis of *Pyar Chand Sharma*², as the factual matrix and legal foundation of that case are materially different from the present one. In *Pyar Chand Sharma*², relief of step-up was granted because petitioner there in was senior in the feeder category of Forest Ranger and was drawing more pay than his juniors. Further even after promotion to the post of ACF being HPFS cadre post, petitioner therein was assigned seniority above juniors and therefore petitioner therein could not have been granted less salary as compared to juniors. In contrast, the pay disparity between the petitioner and the junior in the present

case has arisen solely due to the respective options exercised by them. The petitioner was never denied the opportunity to exercise option. The difference in their pay is direct consequence of a voluntary choice made by the petitioner and Sh. Bal Kishan. The same cannot be classified as a pay anomaly. Therefore, the petitioner's pay cannot be stepped up to match that of Sh. Bal Kishan.

It has to be borne in mind that petitioner has been drawing lesser pay than Sh. Bal Kishan not on account of any pay anomaly but on account of different option exercised by him at the time of his promotion to the post of Kanungo on 31.05.2010 and on 31.01.2022 for coming over to revised pay scale 2022. Sh. Bal Kishan had been enjoying higher pay than the petitioner w.e.f. the year 2011. The respondents were justified in rejecting petitioner's prayer as instant was not a case of anomaly in pay scale of the petitioner. Present is not even a case where junior employee got any advance increment or any benefit of Assured Career Progression Scheme lifting his pay. Petitioner's pay has been fixed as per cautious options exercised by him voluntarily from time to time. In view of a specific option exercised by him at the time of his promotion

to the post of Kanungo on 31.05.2010, petitioner ever since had been drawing lesser pay than Sh. Bal Kishan (who was also promoted to the post of Kanungo the same day) without any objection. Further, petitioner's pay was revised under Revised Pay Rules, 2022 as per option exercised by him different to the one opted by Sh. Bal Kishan. Petitioner's drawing lesser pay than Bal Kishan is neither due to any anomalous situation as alleged nor it falls within the ambit of applicable Rules/instructions/circulars etc. necessitating any step-up. In the given case petitioner's claim of step-up of pay on standalone factor of his seniority cannot be accepted.

A senior employee cannot automatically claim a step-up in pay to match a junior's salary by describing the situation as an 'anomaly'. The mere fact of a junior drawing higher pay than senior does not by itself establish any injustice requiring correction. Pay structures are designed to operate within a framework of rules that allow for legitimate variations based on choices made by employees, timing of events and applicable provisions. Where higher pay of a junior flows from such permissible variations and the senior has been treated alike under the same rules, there

arises no occasion to invoke the concept of anomaly to demand mechanical parity. Where pay difference is traceable to a valid option exercised by the senior and junior under the applicable rules and no illegality, discrimination or arbitrariness can be attributed, the claim for step up by the senior on the ground of 'anomaly' is not sustainable.

No other point was urged.

5. In view of above discussion, I do not find any merit in the present petition. The same is accordingly dismissed.

Pending miscellaneous application(s), if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

October 6, 2026
R.Atal.