



2026:DHC:5605-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4299/2026, CM APPL. 20975/2026, CM APPL. 20976/2026 and CM APPL. 20977/2026

UNION OF INDIA & ORS. Petitioners
Through: Ms. Radhika Bishwajit Dubey,
CGSC with Ms. Gurleen Kaur Waraich, Mr.
Kritarth Upadhyay, Mr. Vivek Sharma, Mr.
Amulya Dev Mishra, Advs.

versus

SH C.P. MEENA & ORS. Respondents
Through: Mr. Amit Anand, Adv

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)
13.07.2026

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C. HARI SHANKAR, J.

1. The respondents were Private Secretaries¹, Personal Assistants² and Assistants in the Indian Coast Guard³. They sought parity of pay at par with the Central Secretariat Services⁴/Armed Forces Headquarters⁵, along with arrears.

2. Seeking the said relief, the respondents moved the Central

¹ "PS" hereinafter

² "PA" hereinafter

³ "the ICG" hereinafter

⁴ "CSS" hereinafter

⁵ "AFHQ" hereinafter



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Administrative Tribunal⁶ by way of OA 1707/2019.

3. Before the Tribunal, the respondents pointed out that there was historical parity in their pay scales vis-à-vis pay scales of PSs, PAs and Assistants in the CSS. It was also submitted that their posts were governed by the same recruitment rules and that they used to perform similar duties.

4. The respondents also relied on the judgment of the Supreme Court in *Union of India v. DGOF Employees Association*⁷ and the judgment of the Division Bench of this Court in *Kaushik Paik v. Union of India*⁸.

5. Contesting the stand of the respondents, the petitioners submitted, before the Tribunal, that the respondents included persons who had become PS, PA and Assistant before, as well as after, 1 January 2006, when the recommendations of the 6th Central Pay Commission⁹ were implemented by the Central Government. It was submitted that the 6th CPC had recommended different pay structures for staff outside the Secretariat with replacement scales extended to PAs, PSs and Assistants in the CSS, AFHQ, Indian Foreign Service and Railway Board Secretariat Service, without any parallel recommendation for the ICG. As such, the petitioners did not extend, to PSs, PAs and Assistants in the ICG, the replacement scales which were granted to PAs, PSs and Assistants in the Secretariat Services

⁶ “the Tribunal” hereinafter

⁷ 2023 SCC OnLine SC 1471

⁸ 2013 SCC OnLine Del 3489

⁹ “6th CPC” hereinafter



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consequent on the recommendations of the 6th CPC.

6. Significantly, the petitioner itself wrote to the Department of Expenditure¹⁰, Ministry of Finance, seeking its approval to bring parity in pay scales of the posts between PSs, PAs and Assistants in the ICG and PSs, PAs and Assistants in the Secretariat Services. This recommendation, however, was not accepted by the DOE.

7. It was further pointed out, to the Tribunal, that Section Officers in the ICG had, in these circumstances, moved the Tribunal by way of OA 3778/2011, which was dismissed on 11 October 2012. Against this judgment, the Section Officers approached this Court by means of the decision in ***Kaushik Paik*** which was allowed by this Court based on the historical parity of pay-scales of PAs, PSs and Assistants in the ICG vis-a-vis similar posts in the secretariat services. Following the judgment of this Court, the Ministry of Defence¹¹ also issued directives in compliance therewith, on 15 May 2015.

8. Subsequent thereto, the case was again taken up with the MOD on 7 September 2015 for grant of pay parity to PAs, PSs and Assistants in the ICG. The MOD rejected the request on 3 September 2019. It was, *inter alia*, opined by the MOD that the benefit of judgment of this Court in ***Kaushik Paik*** could not be extended to the respondents as they were not parties before this Court in that case.

9. The Tribunal was faced with such a situation, when it came to

¹⁰ "DOE" hereinafter

¹¹ "MOD" hereinafter



decide the OA filed by the respondents by the judgment under challenge.

10. The Tribunal has reproduced the following paragraphs from the decision in ***Kaushik Paik*** which are clear and categorical:

“We have heard learned counsel for the parties.

2. The petitioners had approached the Tribunal for a direction to grant them grade pay of Rs.4800 (PB-2) and Rs.5400/- (PB-3) upon completion of four years as per the provisions of part-B Section II, serial No.1(1) of CCS (RP) Rules, 2008 w.e.f. 1st January, 2006.

The petitioners are working in Indian Coast Guard Organization which was established in the year 1977 by virtue of a decision of the Central Government. The said organisation was to have its own regular composite cadre of civilians for the headquarters and lower formations of employees. Till this end was achieved, the Government was to induct suitable persons on deputation from other Central Government Cadres. The Coast Guard used to resort to direct recruitment in the post of LDC, Assistant and Stenographers, Grade-D.

3. The petitioners have relied upon the hierarchy of posts and a pay structure that existed from time to time in view of recommendations of 3rd, 4th and 5th Pay Commissions. This has been disclosed in the form of tables sharing parity. The same is extracted below for convenience :-

Promotion and Feeder Grade in CGO	Equivalent Promotion and Feeder Grade in CSS	Equivalent Promotion and Feeder Grade in AFHQ
SCSO	DS	JD
↑	↑	↑
CSO	US	DD
↑	↑	↑
SO	SO	SO
↑	↑	↑
Assistant	Assistant	Assistant
↑	↑	↑
UDC	UDC	UDC



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↑ LDC	↑ LDC	↑ LDC
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4. The grievance by the petitioners in the proceedings before CAT was that the parity which existed between a Section Officer in the Coast Guard of the two different groups, i.e. PB-2 and PB-3 with other similarly placed officials in the Central Secretariat Services and Armed Forces Headquarters, was sought to be denied by the respondents. It was argued before the CAT that this denial of parity was arbitrary and not based on any rationale. In support of their submissions, the petitioners relied upon the Recruitment Rules and the staffing pattern in the Coast Guard as compared with the other organisations which contain a similar hierarchy of civilian posts.

5. The Tribunal heard the matter. Since the respondents resisted the petitioner's claim, it relied upon its previous ruling in OA no.143/2004 decided by the Lucknow Bench on 10.10.2011. The following extracts of the Tribunal's order are reproduced below:-

"5. Respondents have also relied upon the order dated 10.10.2011 in OA no.143/2004 decided by the Lucknow Bench of the Central Administrative Tribunal, which held as follows:-

"Parity cannot be claimed merely on the basis that earlier the subject post and the reference category posts were carrying the same scale of pay. The Pay Commission has two functions: to revise the existing pay scale, by recommending revised pay scales corresponding to the pre-revised pay scales and, secondly, make for upgrading or recommendations downgrading posts resulting in higher pay scales or lower pay scales, depending upon the nature of duties and functions attached to those posts. Thus one of the functions of the pay than what was earlier being enjoyed with reference to their duties and responsibilities, and extend such higher scale to those categories of posts. One post which is considered as having a lesser pay scale may be assigned a higher pay scale and another post which is considered as having a lesser pay scale may be assigned a higher pay scale and another post which is considered to have a proper pay scale may merely be assigned the corresponding revised pay scale but not any higher pay scale. Therefore, the



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mere fact that at an earlier point of time, two posts were carrying the same pay scale does not mean that after the implementation of revision in pay scales, they should necessarily have the same revised pay scale. The benefit of higher pay scale can only be claimed by establishing that holders of the subject post and holders of reference category posts, discharge duties and functions identical with, or similar to, each other and that the continuation of disparity is irrational and unjust."

Thereafter, without further examination of materials presented by it, the Tribunal rejected the submissions of the petitioners.

6. Ms. Jyoti Singh, learned senior counsel argues that the staffing pattern, the pay scale and the broad nature of duties and functions of the Section Officer at both levels - who claim the parity in the present case are identical with those discharged by members of the Secretariat Service at a similar level as well as those in the Armed forces headquarters, placed at a similar level. It was argued that the recommendations of the Pay Commission, contrary to the assertions of the respondents, nowhere states that existing parity must be broken. In support of this argument, learned counsel relied upon the following extracts of the Commission's recommendations :-

"Recommendations:

3.1.9 Accordingly, the Commission recommends up-gradation of the entry scale of Section Officers in all Secretariat Services (including CCS as well as non participating ministries/ departments/ organizations) to Rs.7500-12000 corresponding to the revised pay band PB 2 of Rs.8700-34800 along with grade pay of Rs.4800. Further, on par with the dispensation already available in CSS, the Section Officers in other Secretariat Offices, which have always had an established parity with CSS/CSSS, shall be extended the scale of Rs.8000-13500 in Group B corresponding to the revised pay band PB 2 of Rs.8700-34800 along with grade pay of Rs.4800 on completion of four years service in the lower grade. This will ensure full parity between all Secretariat Offices. It is clarified that the pay band PB 2 of Rs.8700-34800 along with the grade pay of Rs.4800 is being recommended for the post of Section Officer in these services solely to maintain the existing relatives which were disturbed when



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the scale was extended only to the Section Officers in CSS. The grade carrying grade pay of Rs.4800 in pay band PB-2 is, otherwise, not to be treated as a regular grade and should not be extended to any other category of employees. *These recommendations shall apply mutatis-mutandis to post of Private Secretary/equivalent in these services as well.* The structure of posts in Secretariat Offices would now be as under:-

Post	Pre revised pay scale	Corresponding revised pay band and grade pay
LDC	Rs.3050-4590	PB-1 of Rs.4860-20200 along with grade pay of Rs.1900
UDC	Rs.4000-6000	B-1 of Rs.4860-20200 along with grade pay of Rs.2400
Assistant	Rs.6500-10500	PB-2 of Rs.8700-34800 along with grade pay of Rs.4200
Section Officer	Rs.7500-12000 Rs.8000-13500 (on completion of four years)	PB-2 of Rs.8700-34800 along with grade pay of Rs.4800. PB-2 of Rs.8700-34800 along with pay of Rs.5400* (on completion of four years)
Under Secretary	Rs.1000-15200	PB-2 of Rs.15600-39100 along with grade pay of Rs.6100
Deputy Secretary	Rs.12000-16500	PB-3 of Rs.15600-39100 along with grade pay of Rs.6600
Director	Rs.14300-18300	PB-3 of Rs.15600-39100 along with grade pay of Rs.7600

(*This scale shall be available only in such of those organisations/services which have a historical parity with CSS/CSSS. Services like AFHQSS/AFHQSSS/RBSS and Ministerial / Secretarial posts in Ministries/Departments organisations like MEA, Ministry of Parliamentary Affairs, CVC, UPSE, etc. would therefore be covered.)"



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7. It was submitted that the above extracts of the Pay Commission recommendations in fact establish that existing parity could not be disturbed. In furtherance of the same argument, the learned senior counsel relied upon the extracts of the Rules framed pursuant to the recommendations/and even accepting it, under a proviso Article 309 of the Constitution in 2008. The relevant extract of the Central Civil Services (Revised Pay) Rules, 2008 are as below:-

"REVISED PAY SCALES FOR CERTAIN COMMON CATEGORIES OF STAFF"

Section I

(i) The revised pay structure mentioned in Column (5) and (6) of this part of the Notification for the posts mentioned in Column (2) have been approved by the Government. The initial fixation as on 1.1.2006 will be done in accordance with Note 2 below Rule 7 of this Notification.

(ii) On account of merger of pre-revised pay scales of Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500, some posts which presently constitute feeder and promotion grades will come to lie in an identical grade. The specific recommendations about some categories of these posts made by the Pay Commission are included Section II of Part B. As regards other posts, the posts in these three scales should be merged. In case it is not feasible to merge the posts in these pay scales on functional considerations, the posts in the scale of Rs.5000-8000 and Rs.5500-9000 should be merged, with the post in the scale of Rs.6500-10500 being upgraded to the next higher grade in pay band PB-2 i.e. to the grade pay of Rs.4600 corresponding to the pre-revised pay scale of Rs.7450-11500. In case a post already exists in the scale of Rs.7450-11500, the post being upgraded from the scale of Rs.6500-10500 should be merged with the post in the scale of Rs.7450-11500.

(iii) Posts in the scale of Rs.6500-10500 carrying minimum qualification of either Degree in Engineering or a Degree in Law should also be upgraded and placed in the scale of Rs.7450-11500 corresponding to the revised pay band PB-2 of Rs.9300-34800 along with grade pay of Rs.4600.

(iv) Posts of scientific staff in the scale of Rs.6500-10500 carrying minimum qualification of engineering degree or a post-graduate degree should also be upgraded and placed in the scale of Rs.7450-11500 corresponding to the revised pay band PB-2 of



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Rs.9300-34800 along with grade pay of Rs.4600.

(v) Upgradation as in (ii) above may be done in consultation with Department of Expenditure, Ministry of Finance. Regarding (iii) and (iv) above, upgradation may be done by the Ministries concerned in consultation with their Integrated Finance.

8. Learned counsel for the respondent submitted that the findings of CAT are unexceptionable. It was argued that the Pay Commission recommendations, to maintain a difference in the pay band of those working in Secretariat services as compared with those in non-Secretariat services was real and consequently, Coast Guard officials working above the post of Assistant, cannot claim parity of pay scales with similar level of officials in the Secretariat Services as a matter of right. It was emphasised that mere historical parity could not efface existing disparities, wherever they were found. The learned counsel submitted in this regard the Pay Commission was alive to all the circumstances and had taken into account representations of before concerned parties as well as the existing Rules recommending that those working in non-Secretariat Services should not be given parity with those working in the Secretariat services.

9. This Court has carefully considered the submissions. It is evident from the relevant extracts of the Pay Commission's recommendations that even though the subsequent portion of its report (paragraphs i.e. 3.1.14 onwards) do mention that historical parity need not necessarily be protected yet the fact remains that the earlier portions i.e. para 3.1.9, which has been extracted in previously in this judgment, - had specifically carved out the services such as the Coast Guard as exceptions and maintained the pre existing parity with members of the Central Secretariat services and those in the armed forces headquarters. That this recommendation was indeed acted upon and Rules were appropriately amended to preserve the parity recommended by the Pay Commission, is evident from the Recruitment Rules 2008, Extracts of the CSS (Revised Pay) Rules, 2008- made effective from 1st January, 2006 - clause (v) along with table extracted earlier, lend force to the petitioner's submission that in fact parity which existed has been preserved under the Rules. Such being the case, the respondent's contention, which found favour in the impugned order, is unsupportable in law.

10. In addition to the above reasons, the Court also notices that the respondents position is further assailable by the fact that other



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non secretariat organisations such as Central Information Commission, Planning Commission, Central Reserve Police Force, Central Election Commission and the CAT itself had shown the readiness/willingness to provide for higher pay scales as has been sought for by the petitioners in this case. Indeed, similar officials, employees above the rank and status of 'Assistant including Section Officers are not members of any Secretariat Services. In those organisations, the employees who do receive such higher pay (sought for by the petitioners here) are also equally members of non-secretariat services. The petitioners therefore cannot be discriminated. For this reason, the position taken by the respondent is found to be arbitrary.

11. In view of the above discussion, this Court is of the opinion that the impugned order of the CAT cannot be sustained and it is accordingly, set aside. The directions sought for by the petitioners in OA no.143/2004 are granted. The respondents are directed to make consequent orders of pay fixation and release the difference of pay and emoluments to the petitioners within six weeks from today. The writ petition is allowed in these terms. No order as to costs.”

11. Significantly, the recommendations of the Pay Commission, as extracted in para 6 of ***Kaushik Paik***, clearly stated that the recommendations would apply *mutatis mutandis* to the post of Private Secretary and equivalent in services other than the Secretariat Services.

12. SLP (C) CC 3402/2014, preferred against the decision of the Division Bench of this Court, was also dismissed by the Supreme Court on 3 March 2014.

13. In a similar vein, dealing with similarly situated persons in the Ordinance Factories, the Supreme Court ruled thus in ***D.G.O.F. Employees Association:***

“13. Further, what was also taken into consideration by the High



Court is the historical similarity in pay scales which existed prior to the recommendations in the Sixth CPC. Such historical similarity which had existed was taken note and, in that light, the pay scale which was applicable was taken into consideration and had accordingly arrived at the conclusion that the employees in the headquarters of the Ordnance Factories being similarly placed cannot be discriminated. Therefore, such consideration in the instant case would fall within the parameters as permitted by this Court. Also, in the present circumstance, the High Court has adverted to the fact situation and has thereby rectified the pay anomaly. In fact, the question of parity with regard to the pay scale to the Assistants in the lower formations in the Indian Navy with that of the Assistants in CSS was held as discriminatory and violative of Article 14 of the Constitution by this Court in the case of All India Naval Clerks Association and Others vs. Union of India and Others in Civil Appeal arising out of Special Leave Petition (Civil) No.29204 of 2019 dated 27.07.2022.

14. As noted by the High Court, it is evident that parity of pay scales vis-à-vis LDCs, UDCs, Assistants/PAs and Stenographers, was maintained even prior to 01.01.1986 under the Third Central Pay Commission recommendations (for the period of 01.01.1973 to 31.03.1985). This parity was continued in the Fourth Central Pay Commission recommendations (with effect from 01.01.1986 to 31.12.1995) and the Fifth Central Pay Commission recommendations (for the period 01.01.1996 to 14.09.2006). The post of Assistants, PAs and Stenographers is governed by Director General Ordnance Factories Headquarters Civil Service Rules, 1977.

15. Be that as it may, in the present facts the perusal of the judgment passed by the High Court impugned herein would indicate that the High Court having kept in view the legal, as well as the factual aspects, has not proceeded in a manner so as to equate two sets of employees in different organizations. But, keeping in view the recommendation of the Pay Commission and the applicability of the pay scales recommended to similarly placed employees employed in the headquarters and on noticing discrimination despite historical similarity has merely rectified the error, which does not call for interference.”

14. Following these decisions, the Tribunal has, in paras 11 and 12, concluded the impugned judgment thus:

“11. Indubitably, the post of Private Secretary in Indian Coast



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Guard is analogous to the post of Section Officer having same scale of pay and there is no difference in nature of work to those in AFHQ/CSS and parity of pay scales was maintained since 3rd Central Pay Commission. This fact that the Coast Guard Civilian Services had the historical parity with those of AFHQ/CSS has also been endorsed by the Hon'ble High Court of Delhi in the aforesaid Judgment dated 06.09.2013 in the case of Sh. Kaushik Paik & Ors. (supra). Keeping in view the categorical finding of the Hon'ble High Court in the aforesaid case, which has been affirmed by the Hon'ble Supreme Court, the present O.A. being squarely covered by the said Judgment, deserves to be allowed.

12. Accordingly, for the reasons discussed hereinabove, we allow the O.A. and quash the impugned order dated 09.01.2019. It is held that the Private Secretaries in Indian Coast Guard shall be entitled for Grade Pay of Rs.4800/- in PB-2 and Grade Pay of Rs.5400/- in PB-3 on completion of 4 years' service; and the feeder posts of Assistant and Personal Assistant shall be entitled for Grade Pay of Rs.4600/- in PB-2 w.e.f. 01.01.2006, at par with those in AFHQ/CSS, with other consequential benefits. The respondents are directed to pass appropriate orders regarding re-fixation of pay of the applicants w.e.f. 01.01.2006, after satisfying other requirements/conditions under the Rules. However, following the decision of the Hon'ble Apex Court in the case of Union of India and others vs. Tarsem Singh, (2008) 8 SCC 648, the amount of arrears payable to the applicants shall be restricted from three years prior to the date of filing of this O.A., i.e. 28.05.2019. The respondents are further directed to release all admissible arrears accrued to the applicants within a period of three months from the date of receipt of a certified copy of this order. However, it is made clear that they shall not be entitled to any interest on such amount of arrears."

15. The Union of India has sought to challenge the judgment of the Tribunal by means of the present writ petition.

16. We heard Ms. Gurleen Kaur Waraich, appearing on behalf of Ms. Radhika Bishwajeet Dubey, learned CGSC for the Union of India and Mr. Amit Anand, learned Counsel for the respondent.

17. Though Ms. Waraich valiantly sought to defend the order



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passed by the Tribunal, and also drew our attention to various judicial authorities which set out the parameters of equal pay for equal work, we are constrained not to enter into that arena as, in our view, the afore-noted facts clearly do not make out a case for interference.

18. The issue in controversy stands squarely covered against the petitioner by the decision of the Division Bench of this Court in ***Kaushik Paik***, which stands affirmed by the Supreme Court by dismissal of the SLP.

19. No doubt, that case dealt with Section Officers, but that is merely a distinction without a difference. The law in respect of PAs and PSs and Assistants cannot be different from the law which applies in the case of Section Officers.

20. A similar view was taken by the Supreme Court in ***DGOF Employees Association***.

21. Interestingly, even the petitioner appears to have been of the view that the respondent ought to be given pay parity as is manifest from the fact that they first wrote to the DOE and thereafter to the MOD, seeking approval to grant pay parity to the respondent. If they have not been able to do so, it is only because those authorities did not condescend.

22. We are, therefore, of the view that the Tribunal was justified in holding that the respondents were entitled to parity of pay with PAs,



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PSs and Assistants in the Secretariat Services as was extended by the 6th Central Pay Commission.

23. We, therefore, uphold the order of the Tribunal in its entirety.

24. Let the necessary payments, if any, be made to the respondents within a period of eight weeks from today. Failure to do so shall invite interest @ 12% per annum till actual date of payment.

25. The writ petition is dismissed in the aforesaid terms.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

JULY 13, 2026/dsn