

\$~18, 20 & 21

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

+ W.P.(C) 5953/2016

DUSHYANTH SINGH

..... Petitioner

Represented by: Mr.P.Sureshan, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Represented by: Mr.Ashwani Bhardwaj,
Advocate with
Mr.R.M.Tripathi, Advocate for
UOI.

AND

+ W.P.(C) 5975/2016

KRISHAN KANT YADAV AND ORS

..... Petitioners

Represented by: Mr.P.Sureshan, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Represented by: Mr.Ashwani Bhardwaj,
Advocate with
Mr.R.M.Tripathi, Advocate for
UOI.

AND

+ W.P.(C) 5988/2016

KSHATRIYA HARIOM SINGH AND ORS

..... Petitioners

Represented by: Mr.P.Sureshan, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Represented by: Mr.Ashwani Bhardwaj,
Advocate with
Mr.R.M.Tripathi, Advocate for
UOI.

W.P.(C) Nos.5953, 5975 & 5988 of 2016

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CM No.24568-69/2016 in W.P.(C) No.5953/2016
CM No.24620-21/2016 in W.P.(C) No.5975/2016
CM No.24640-41/2016 in W.P.(C) No.5988/2016

Allowed subject to all just exceptions.

W.P.(C) No.5953/2016
W.P.(C) No.5975/2016
W.P.(C) No.5988/2016

1. The writ petitions are drafted simply highlighting disparity in basic-pay fixed post January 01, 2006 for Constables working in CISF and parity is being sought with Constables working in other Central Para-Military Forces. It is not in dispute that all constables in various Central Para-Military Forces are placed in PB-I. Gross salary may vary on account of additional emoluments being paid for hard postings. Similarly, there may be other benefits such as leave etc. for the reason most of the CISF personnel live with their family in family stations but those in Central Para-Military Forces are away from the family. In BSF the earned leave is of 60 days, in CISF it is 30 days. But basic pay should not.

2. An anomaly resulting as a result of the implementation of the CCS (Revised Pay) Rules, 2008 which finds reflection in the Railway Services (Revised Pay) Rules, 2008 was brought out by a Division Bench of this Court in decision dated March 17, 2015 in W.P.(C) 5082/2013 Swaran Pal Singh & Ors. Vs. UOI & Ors. The reason for the anomaly was brought out in paragraph 8 with reference to the multiplier factor of 1.8 requiring rounding off the resultant to the next multiple of 10.

3. We find that in the writ petitions there are averments of representations being made but we find that in the representation made it is simply stated that the petitioners are being paid less basic-pay. Attention to

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the exact problem is not highlighted. We find that the respondents have not responded to the truncated representations made.

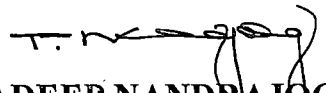
4. A proper demand and its denial is the sine qua non of a mandamus to be issued and this is trite.

5. Under the circumstances we dispose of the three above captioned petitions requesting learned counsel for the petitioners to study the decision dated March 17, 2015 and thereafter obtain necessary data from his clients and make a representation to the respondents.

6. Once the representation is made the respondents are directed to pass a speaking order considering the decision dated March 17, 2015.

7. Needless to state, if relief is allowed to the petitioners benefit shall be accorded retrospectively. If relief is denied, a speaking order would be required to be passed which the petitioners would be entitled to challenge.

8. No costs.


PRADEEP NANDRAJOG, J.


PRATIBHA RANI, J.

JULY 15, 2016

'st'