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

% *Date of Decision : July 29, 2016*

+ **W.P.(C) 6538/2016**

DHARMENDRA YADAV Petitioner
Represented by: Mr.A.K.Mishra, Advocate
with Mr.Amit Kumar Pandey,
Advocate

versus

UNION OF INDIA AND ORS. Respondents
Represented by: Mr.K.K.Jha, Advocate with
Mr.Hari Sharan Singh,
Advocate

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MS. JUSTICE PRATIBHA RANI

PRADEEP NANDRAJOG, J. (Oral)

CM No.26797/2016

Allowed subject to just exceptions.

WP(C) 6538/2016

1. Learned counsel for the respondents appears on advance copy of the writ petition being served and states that since a legal point arises for consideration in the writ petition, it may be disposed of at the preliminary stage itself.
2. Learned counsel for the petitioner states that the grievance of the

petitioner is that his basic pay in PB-I ought to be ₹6460/- with grade pay ₹2000/- w.e.f. 01.01.2006 and not ₹5960/- with grade pay ₹2000/-. Persons junior to the petitioner are receiving basic pay of ₹6460/- plus grade pay ₹2000/- w.e.f. 01.01.2006.

3. It is not in dispute that the pay of the petitioner and for that matter all civil servants as also members of Central Armed Police Forces had to be fixed post 01.01.2006 as per CCS(Revised Pay) Rules, 2008. Rule 7(A) (i) & (ii) whereof read as under:-

“(A) In the case of all employees :-

(i) the pay in the pay band/pay scale will be determined by multiplying the existing basic pay as on 1.1.2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10.

(ii) If the minimum of the revised pay band/pay scale is more than the amount arrived at as per (i) above, the pay shall be fixed at the minimum of the revised pay band/pay scale.”

4. Suffice it to state that as per the Rule basic pay as of 01.01.2006 has to be fixed in terms of sub-para (i) of Rule 7(A) but if the minimum pay fixed at the minimum of the revised pay band is more, the pay has to be fixed at the minimum of the revised pay band.

5. The first schedule to the Rules, vide Section II thereof stipulates that for those who are to be placed in grade pay ₹2000/-, the minimum pay in the pay band would be ₹6460/-. This fact is not disputed by learned counsel for the respondents, indeed it cannot be because Section II of the First Schedule so provides.

6. Thus, the petition is allowed keeping in view the fact that in PB-I the grade pay of the post held by the petitioner is ₹2000/- and therefore the direction issued is that as of 01.01.2006 the petitioner's basic pay in PB-I would be fixed at ₹6460/-. The grade pay continues to be the same i.e.

₹2000/-

7. Arrears shall be paid within 12 weeks from today.
8. No costs.

(PRADEEP NANDRAJOG)
JUDGE

(PRATIBHA RANI)
JUDGE

JULY 29, 2016
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