

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

+ **WP(C) 4368/2016**

Date of decision: 10th August, 2017

DHARMBIR SINGH Petitioner

Through: Ms.Saahila Lamba, Adv.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr.Rahul Sharma, Mr.C.K.Bhatt,
Advs. for UOI.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

SANJIV KHANNA, J. (Oral)

Dharmbir Singh in this writ petition seeks parity in pay with the direct recruit under the Central Civil Services (Revised Pay) Rules, 2008(Revised Pay Rules).

2. The respondents accept that there is an anomaly in the Revised Pay Rules, for the basic pay of a direct recruit appointed on or after 1st January, 2006 on entry into the cadre was higher than the basic pay of promotee appointed earlier and even a direct recruit appointed on or before 31st December, 2005.

3. The petitioner appointed as Constable/Nursing orderly on 14th July, 2005. His scale under the Revised Pay Rules was fixed by applying multiplier of 1.86 rounded off to next multiplier figure of

10. He was paid a lower basic pay than the entry level pay payable to a direct recruit as Constable /Nursing orderly appointed on or after 1st January, 2006.

4. The respondents in view of the aforesaid anomaly submit that the petitioner who would be senior to a direct Nursing orderly appointed after 1st January, 2006, would be entitled to stepping up but only on or after a direct recruit is appointed. In the present case, direct recruit was appointed in March, 2007 and accordingly, the petitioner's basic pay was stepped up from the date his junior direct recruit was appointed. The petitioner would not be entitled to benefit of the entry level pay applicable to a direct recruit from 1st January 2006 to February, 2007.

5. This contention and stand of the respondents has been rejected by this Court in several cases. Reference can be made to the judgment dated 27th January, 2015 in WP(C) no.727/2015 titled Dasrath & Ors. vs. Union of India & Anr., judgment dated 18th July, 2016 in WP(C) no.10071/2015 titled Ram Niwas vs. Union of India & Ors., judgment dated 2nd March, 2015 in WP(C) 1853/2015 titled Lalit Kumar Choudhary vs. Union of India & Ors. and judgment dated 4th November, 2016 in WP(C) No.8058/2015 titled Union of India & Ors. vs. Malbika Deb Gupta & Ors. These decisions highlight that there cannot be two different pay scales for the same posts, one for those who are appointed prior to 1st January, 2006 or promoted even after 1st January, 2006 and those who are appointed as direct recruit after 1st January, 2006.

6. In view of the aforesaid position, the writ petition has to be allowed. Accordingly, mandamus is issued that the petitioner would be entitled to benefit of the revised pay as applicable to a direct recruit w.e.f. 1st January, 2006. The arrears of pay would be paid within a period of 4 months from the date a copy of this order is received. Non-payment within a period of 4 months would entail payment of interest @ 8% from the date of this order till payment is made. No costs.

AUGUST 10, 2017
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SANJIV KHANNA, J

NAVIN CHAWLA, J

