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

+ **W.P.(C) 10237/2018**

A. VENKATARAMANA AND ORS. Petitioners
Through **Ms.Saahila Lamba, Adv. & Mr.Ravi**
Rai, Adv.

versus

UNION OF INDIA AND ORS. Respondents
Through **Mr.Sanjeev Narula, Adv. with Mr.A.**
Chopra, Adv. & Ms.Anumita
Chandra, Adv.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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27.09.2018

1. The present petition has been filed by 17 petitioners working on the post of Constable(GD) in the CISF seeking directions that their pay-scales be fixed at Rs.6,460/- with grade pay of Rs.2,000/- w.e.f. 01.01.2006 and the arrears be paid to them along with interest.

2. At the outset, Ms.Lamba, learned counsel for the petitioners states that the issue raised in this petition stands settled by a Coordinate Bench of this Court vide judgment dated 10.08.2017 passed in W.P.(C) No.94/2017 entitled ***Krishan Kant Yadav & Ors. vs. Union of India & Ors.***, whereunder the Division Bench rejected the stand taken by the respondents to the effect that those petitioners

who were working on the post of Constable (GD) in CISF and were drawing less basic pay than the new direct recruits, would be entitled to stepping up of the pay only from the date when their junior direct recruits had actually been appointed. Referring to several earlier decisions of the High Court on the same lines, the Division Bench allowed the petition by concluding that once the pay scale of the petitioners in the captioned petition was fixed at Rs.6,460/- with grade pay of Rs.2,000/- w.e.f. 01.01.2006, their increment had to be counted and calculated w.e.f. 01.07.2006 on the basis of the said basic pay and not on the basis of the pay of Rs.6,240/- plus grade pay of Rs.2,000/- which had been paid to them.

3. Learned counsel for the respondents submits that aggrieved by the judgment dated 10.08.2017 passed by the Division Bench, Union of India has preferred an SLP before the Supreme Court (SLP (C) No.33623/2017), on which notice was issued on 15.12.2017. A copy of the order dated 15.12.2017 has been handed over. On perusing the same, it transpires that the Supreme Court has not stayed the operation of the judgment dated 10.08.2017 which has been passed by a Coordinate Bench, on the same issue raised by the petitioners herein. On the principle of parity, the present petition has to be allowed on the very same lines.

4. As a result, the writ petition succeeds and the respondents are

directed to fix the pay scale of the petitioners at Rs.6,460/- with grade pay of Rs.2,000/- w.e.f. 01.01.2006 and also grant them one increment w.e.f. 01.07.2006 along with upto date arrears. The respondents shall make compliances within six weeks from the date of passing the order. If the arrears are not released in favour of the petitioners within the aforesaid timeline, the respondents shall be liable to pay simple interest at the rate of 8% per annum.

5. The petition is disposed of along with the pending applications by leaving the parties to bear their own costs.

HIMA KOHLI, J

REKHA PALLI, J

SEPTEMBER 27, 2018/aa