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

Date of Decision: 9th August, 2024

+ W.P.(C) 16315/2023 and CM APPL.65707/2023

UOI SECRETARY MINISTRY OF INFORMATION AND
BROADCASTING & ANR.Petitioners

Through: Mr. Hilal Haider and Ms. Butul Khan,
Advocates.

versus

HARI KRISHAN LANGOO & ORS.Respondents

Through: Mr. Vinay Gupta, Mr. Ram Manohar
Singh, Mr. Santosh Kumar,
Ms.Chandni Singh and Mr. Jittin Dua,
Advocates.

+ W.P.(C) 16329/2023 and CM APPL. 65734/2023

UNION OF INDIA SECRETARY & ANR.Petitioners

Through: Mr. Hilal Haider and Ms. Butul Khan,
Advocates.

versus

SATISH MANHA & ORS.Respondents

Through: Mr. Vinay Gupta, Mr. Ram Manohar
Singh, Mr. Santosh Kumar,
Ms.Chandni Singh and Mr. Jittin Dua,
Advocates.

+ W.P.(C) 16334/2023 and CM APPL. 65741/2023

UNION OF INDIA AND ANR.Petitioners

Through: Mr. Hilal Haider and Ms. Butul Khan,
Advocates.

versus

H P MANJHI & ORS.Respondents

Through: Mr. Vinay Gupta, Mr. Ram Manohar
Singh, Mr. Santosh Kumar,
Ms.Chandni Singh and Mr. Jittin Dua,
Advocates.



CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE GIRISH KATHPALIA

J U D G M E N T (oral)

1. These petitions have been filed on behalf of the petitioners seeking setting aside of order dated 02.03.2023 passed by the learned Central Administrative Tribunal ('Tribunal'), Principal Bench, New Delhi in O.A. No.849/2016 titled *Shri Hari Krishan Langoo and Ors. Vs. Union of India and Another* whereby petitioners were directed to ensure that the cadre restricting exercise which they have undertaken by way of their own admission shall be completed in time bound manner and the anomalies which have crept up in the pay scales of different cadres on account of impugned order are also addressed as expeditiously as possible and certainly not less than a period of 12 weeks from the date of receipt of certified copy of the order.

2. The brief background of the case is that in the year 2004, Song and Drama Division (S&DD) Employees Association filed MA No. 1163/2007 in O.A. No.2005 which was decided by the learned Tribunal vide order dated 12.09.2007, against which it filed W.P.(C) 815/2008 before this Court which was decided in favour of applicants on 21.10.2008. Against the said order, Union of India preferred Special Leave Petition being SLP No.1629/2009 before the Hon'ble Supreme Court, however during pendency of the same, a proposal dated 09.04.2014 was presented and in light thereof, the said leave petition was disposed of.



3. Yet another application being I.A. No.4/2014 was filed by Union of India in the aforesaid SLP No. 1629/2009, whereby vide order dated 10.10.2014, the contempt proceedings initiated against the Union of India were stayed subject to implementation of the proposal dated 09.04.2014.
4. On 06.10.2015 and 12.10.2015 implementation of proposal order dated 09.04.2014 was issued by the petitioners. However, the aforesaid order was not implemented in case of Program Officers, who made various representations to the competent authority for redressal of their grievance.
5. The representation dated 01.01.2016 was rejected by the petitioners vide communication dated 07.07.2017, stating that it lacks on merits.
6. The respondents preferred O.A. No.849/23016 before the learned Tribunal wherein vide impugned order dated 02.03.2023, direction was issued to restructure the cadres and remove the anomalies within twelve weeks. Being aggrieved, Union of India has preferred these petitions before this Court.
7. The challenge to the order dated 02.03.2023 passed by the learned Tribunal is on the ground that learned Tribunal did not consider that comparison between two cadres should be made between the lowest and highest post in a cadre to the lowest and highest post in another cadre. The lowest and highest posts in the cadre of POs are higher than the lowest and highest post in the cadre of SAS. The highest post in the cadre of PO is Joint Director having Grade Pay of Rs.7600/- whereas the highest post in the cadre of SA Grade I is in the Grade pay of Rs.6600/-. Similarly, the lowest post in the cadre of PO is Manager/Producer in the Grade pay of Rs.4600/- whereas the lowest in the cadre of SA is Staff Artiste Grade-IV having Grade pay of Rs.4200/. Also, that the restructuring was in compliance of the



orders of the Hon'ble Supreme Court in SLP (Civil) No. 1629/2009 with respect to SA and not PO. Thus, setting aside of impugned order is sought in these petitions.

8. Relevantly, the impugned order dated 02.03.2023 passed by the learned Tribunal, is premised upon order dated 12.10.2015 issued by the petitioners observing as under:-

“4. The applicants felt the anomaly that arose on account of order dated 12.10.2015. The pay structure of the SA which invariably used to be less than the lowest for the category of POs, was totally disturbed and the one stipulated for SA became higher. Representations were made with a request to remove the anomaly and when nothing was forthcoming they filed this OA, with a prayer to declare that the anomaly occurred in their pay structure was the result of issuance of the order dated 12.10.2015 and the same may be removed by taking appropriate steps.

9. The learned Tribunal in light of the aforesaid order dated 12.10.2015 issued by the petitioners, held as under:-

“11. From this, it is evident that the entire exercise was erroneous and it is the handwork of the then Director, S&DD. It is also stated that the efforts made by the Government to seek review from the Hon'ble Supreme Court did not materialise. At this stage we are not concerned with the legality or otherwise of restructuring of the cadre of SA or verification of their pay scales or grade pay. Effort is only to ensure that the superiority which is inherent in the cadre of Pos in comparison to that of the SA, is maintained. It would not only be a case of anomaly, but a matter of ridicule, in case an employee in



Group 'C' Non Gazetted draws higher pay than the employee in Group 'B', Gazetted.

12. We, therefore, allow the OA. Respondents are directed to remove the anomaly within a period of three months, in respect of the pay structure of the Program Officers which resulted on account of the impugned order dated 12.10.2015. It shall be ensured that the highest of the grade pay for any post of SA shall be less than the grade pay of the lowest of the post in the category of Pos. There shall be no order as to costs."

10. There is no dispute that the order dated 12.10.2015 was passed by the S& DD pursuant to directions of the Hon'ble Supreme Court in Contempt Petition (Civil) 90/2015 in SLP No. 1629/2009, restructuring the cadre and pay scales of Staff Artists, pursuant to which the Grade Pay drawn by the Staff Artists became more than the Programme Officers, which is a Group 'B' Gazetted Post. Thus, the consequential anomaly having arisen, has to be removed and in our considered opinion the learned Tribunal has rightly passed the impugned order.

11. Learned Tribunal vide the impugned order directed the petitioners to ensure that the cadre restructuring exercise, which is undertaken by way of their own admission, is completed in time bound manner and the anomalies which had arisen in pay scales of different cadres on account of impugned order, shall also be removed.

12. During the course of hearing, learned counsel appearing on behalf of petitioners stated that the restructuring of cadre is a time taking process and this exercise shall take substantial time.



13. It is worth to mention here that these petitions were filed by the Union of India in December, 2023 and since then, the matter has remained adjourned at the behest of petitioners. Vide order dated 21.05.2024 this Court specifically observed that there is no stay or interim order against the impugned order. However, yet again the stand of petitioners is that cadre restricting is a time taking process, which cannot be accepted.

14. Accordingly, these petitions are hereby dismissed with direction to the petitioners to comply the directions of the learned Tribunal, by removing the anomalies and restructuring the cadre of Programme Officers, by burning midnight oil strictly within 06 weeks from today, failing which officers concerned shall be liable to be prosecuted under the Contempt of Courts Act.

15. At this stage, counsel for the petitioners seeks and granted three months' time to comply, while making it clear that no further extension on whatsoever ground shall be granted to the petitioners.

SURESH KUMAR KAIT, J

GIRISH KATHPALIA, J

AUGUST 9, 2024

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