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

+ W.P.(C) 13554/2024

RAHUL ANAND

.....Petitioner

Through: Mr. Arvind Kumar, Advocate.

versus

CEMENT CORPORATION OF INDIA LIMITEDRespondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

26.09.2024

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1. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking pay protection/pay refixation by comparing post-revised pay scale of his erstwhile employer thereby fixing the basic pay at Rs.57,170/- and DA at Rs.1,257/- from the date of his joining the Respondent/Cement Corporation of India Limited ('CCIL'), i.e. 09.10.2017.

2. Petitioner joined the services of National Insurance Company Limited ('NICL'), a subsidiary of Government of India, on the post of Administrative Officer (Legal) on 02.06.2014. In February 2017, CCIL, another subsidiary of Government of India, advertised vacancies including for the post of Deputy Manager (Legal). Petitioner applied for the post of Deputy Manager (Legal) on 17.07.2017 through proper channel after obtaining 'No Objection Certificate' from the erstwhile employer, i.e. NICL and after tendering technical resignation, which was duly accepted. Pursuant to Petitioner's selection, CCIL issued an appointment letter dated



03.08.2017 and NICL thereafter transferred the Service Bond of the Petitioner for the remaining period of his service to CCIL on 10.08.2017, which was duly accepted by CCIL on 31.08.2017. On 06.10.2017, Petitioner was relieved from NICL and joined CCIL on 09.10.2017, where he is presently working as Manager (Legal). Soon after joining CCIL, Petitioner requested for pay protection on 01.11.2017, followed by several representations, but there was no response.

3. Broadly understood, case of the Petitioner is that he had joined CCIL after tendering technical resignation with NICL through proper channel and is entitled to pay protection with CCIL. At the time of exit from NICL, Petitioner was in the pay scale of Rs.32795-62315/- (pre-revised) and was drawing Basic Pay of Rs.37,625/- plus DA of 41.10%, i.e. Rs.15,464/-, totalling to Rs.53,089/-. Petitioner joined CCIL on 09.10.2017 and at that stage, his pay-scale was Rs.20600-46500/- (pre-revised) and was thus drawing Basic Pay of Rs.20,600/- plus DA of Rs.25,606/-, i.e. Rs.46,206/-, which was lower than what he was drawing at NICL.

4. In 2022, NICL introduced the General Insurance (Rationalisation of Pay Scales and other Conditions of Service of Officers) Amendment Scheme, 2022, which was made effective from 01.08.2017. Since Petitioner was in service of NICL till 06.10.2017, NICL issued a revised certificate dated 24.11.2022. Presidential directives were issued to CCIL to revise the pay scales of Board level, below Board level and Non-Unionized Supervisors on IDA pattern without any deviation as per the guidelines of the Department of Public Enterprises ('DPE') contained in Office Memorandums dated 03.08.2017, 04.08.2017, 07.09.2017 and as approved by the Board of Directors of CCIL in the meeting held on 12.09.2017.



Respondent issued a Circular dated 06.09.2023 for pay fixation of Executives/Supervisors appointed on or after 01.01.2017 and Pay Fixation Statement of the Petitioner was also issued erroneously comparing pre-revised pay-scale at NICL against the revised pay-scale of CCIL. As an illustration, in the month of October, 2023, Petitioner's Basic Pay was fixed at Rs.63,930/- instead of Rs.70,303/-. Petitioner represented for correct pay fixation with pay protection, but not getting any response filed the present petition.

5. A reading of the writ petition shows that the representations of the Petitioner are still pending and the principal relief that he seeks is for pay refixation and pay protection. Since the matter relates to pay refixation, in my view, at this stage it would be appropriate to dispose of the writ petition with a direction to Respondent/CCIL to treat this writ petition as a representation and decide the issues flagged by the Petitioner, within a period of 08 weeks from the date of receipt of this order. Respondent shall pass a reasoned and speaking order, which shall be communicated to the Petitioner within one week thereafter. In case the Respondent, for any reason, does not take a decision in favour of the Petitioner, he will be at liberty to take recourse to legal remedies in accordance with law. In case the Respondent decides in favour of the Petitioner, refixation of his pay shall be carried out within two months thereafter and arrears will be released to the Petitioner.

6. Writ petition stands disposed of in the aforesaid terms.

JYOTI SINGH, J

SEPTEMBER 26, 2024/B.S. Rohella