



2025:DHC:10738-DB



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

Date of decision: 29.11.2025

+ **W.P.(C) 2997/2019**
VIJAY KUMAR

.....Petitioner

Through: In person.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Syed Abdul Hasseb, CGSC
with Mr. Ashish Bhardwaj, Ms.
Dyuthi Kishan, Ms. Leela
Anand, Advs. for UOI.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, challenging the Order dated 29.11.2018 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in C.P No. 300/2015 in O.A. No. 833/2014, titled *Shri Vijay Kumar v. General Manager Northern Railway, H.Q. Baroda House & Anr.*, whereby the learned Tribunal disposed of the contempt petition filed by the petitioner, holding that the respondents



had duly complied with the Order dated 12.08.2014 passed by learned Tribunal in O.A. No. 833/2014.

2. The learned Tribunal had disposed of the above O.A. filed by the petitioner, with the following directions:

“4. We, in the above facts and circumstances of the case, allow this OA and direct the respondents to grant the scale of pay of Rs.6500-10500 to the applicant w.e.f. 10.04.1995 along with all consequential benefits. In case the other similarly placed persons have been granted the arrears of pay and allowances with interest, the applicant shall also be given the same within a period of two months from the date of receipt of a copy of this Order. There shall be no Order as to costs.”

3. Though the respondents challenged the aforesaid Order dated 12.08.2014 before this Court by way of a Writ Petition, being W.P.(C) 7002/2015, titled **General Manager Northern Railway, H.Q. Baroda House & Anr. v. Vijay Kumar**, the same was dismissed by this Court *vide* judgment dated 27.09.2017, finding no merit therein. The review petition filed there against by the respondents, bearing Review Pet. No. 66/2018, was also dismissed by this Court *vide* Order dated 20.02.2018.

4. It was only thereafter that, in purported compliance with the Order passed by the learned Tribunal, as upheld by this Court, the respondent issued an Office Order dated 09.04.2018, granting notional promotion to the petitioner to the Grade of Rs. 6,500-10,500/- with effect from 20.04.1995; however, with actual benefits accruing only from 01.07.2011.

5. Since arrears were not granted with effect from 1995, the question of payment of any interest thereon did not arise. Further, no



interest was paid on the arrears for the period between 2011 to 2018.

6. Aggrieved thereby, the petitioner had filed the above contempt petition before the learned Tribunal.

7. The learned Tribunal, as noted hereinabove, held that there had been due compliance by the respondents with the Order dated 12.08.2014 and, therefore, closed the contempt petition.

8. Aggrieved by the said order, the petitioner has filed the present petition.

9. The petitioner, who appears in person, submits that the arrears were required to be paid by the respondents in terms of the Order dated 12.08.2014, with effect from 10.04.1995. He further submits that such arrears have also been paid to his juniors, including Sh. Vidya Prakash, *vide* Office Order dated 28.07.2019. He submits that there is no justifiable reason why arrears have not been paid to the petitioner.

10. On the other hand, the learned counsel for the respondents submits that although Sh. Vidya Prakash was initially junior to the petitioner; his seniority was later re-fixed pursuant to the Order dated 31.04.2000 passed by the learned Tribunal in O.A. No. 1758/1997, and he was granted the pay fixation in the Grade of Rs. 6,500 – 10,500/- with effect from 10.04.1995. He submits that the petitioner cannot claim the benefit of the said Office Order.

11. He further submits that, in terms of Rule 228 of the Indian Railway Establishment Manual (hereinafter referred to as the 'Railway Rules'), even where an officer loses his promotion on account of an administrative error, the enhanced pay is payable only



from the date of actual promotion and no arrears are admissible, as the officer did not actually shoulder the duties and responsibilities of the higher post.

12. We have considered these submissions made by the petitioner in person and the learned counsel for the respondents.

13. In the present case, the Order dated 12.08.2024 passed by the learned Tribunal in O.A. No. 833/2014 was clear, unambiguous, and required no further interpretation. The Order was in two parts; first, it directed the respondents to grant the scale of Rs. 6,500–10,500/- to the petitioner with effect from 10.04.1995 “along with all consequential benefits.” These benefits were intended to be actual and not merely notional. Second, the Order provided that, in case other similarly placed persons had been granted arrears of pay and allowances “with interest”, the petitioner would also be entitled to the same benefit within a period of two months from the date of receipt of the Order. Therefore, it was only on the question of payment of interest that parity with other similarly placed persons was required. The issue was not whether such persons were senior or junior, but whether they were “similarly placed”, that is, persons who had been erroneously denied promotion at an earlier stage.

14. The reliance placed by the learned counsel for the respondents on Rule 228 of the Railway Rules is also ill-founded, inasmuch as the direction of the learned Tribunal has to be complied with in letter and in spirit. Once the writ petition challenging the Order of the learned Tribunal has been dismissed and the said Order has attained finality, it cannot be reopened in contempt jurisdiction by unilaterally applying



the said Rule.

15. This Court also, while dismissing the writ petition filed by the respondents, *vide* its judgment dated 27.09.2017, had noted the submission of the respondents that Sh. Vidya Prakash, Sh. Devender Kumar, and Sh. Vijay Kumar, claimed by the petitioner therein to be his juniors, were in fact senior to him. Nevertheless, the Court directed that the respondents shall comply with the Order passed by the learned Tribunal within two months. The relevant portion of the Judgment reads as follows:

“6. Learned counsel for the petitioner submits that before, the Tribunal the petitioner had pointed out that three of the persons, whose particulars were disclosed by the respondent by claiming that they were junior to him, namely Shri Vidya Prakash, Shri Devender Kumar and Shri Vijay Kumar were, in fact, senior to the respondent.

7. Even if that position be accepted, there is no explanation with regard to the other three persons named by the respondent, namely, Mohd. Indrishi Ansari, Shri Ishwar Chand, and Shri C.L. Meena. In any event, the petitioner has no explanation as to how disciplinary proceedings undertaken six years after the relevant date - when the pay scale of Rs.6500-10500 was granted to at least some of the juniors of the respondent, could affect the right of the petitioner to be granted the same pay scale as his juniors.

8. In these circumstances, we find no merit in this petition. The same is, accordingly, dismissed. The petitioner shall comply with the Order passed by the Tribunal positively within two months.”

16. Insofar as Mohd. Indrishi Ansari, Sh. Ishwar Chand, Sh. Devender Kumar, and Sh. Balwan Singh are concerned, the respondents have maintained that they were given only a notional promotion to the aforesaid pay scale with effect from 20.04.1995,



whereas actual pay was granted to them only from the date they assumed charge of the promotional post, that is, 02.04.2002.

17. The learned counsel for the respondents is presently unable to provide information regarding Sh. C.L. Meena.

18. As noted hereinabove, Sh. Vidya Prakash has been granted the enhanced pay scale with effect from 20.04.1995, which the respondents seek to explain by stating that it was a case of change of cadre for Sh. Vidya Prakash, resulting in a retrospective scale being granted to him.

19. We need not delve into this controversy at all, inasmuch as the Order of the learned Tribunal was clear and unambiguous in directing that the pay scale of Rs. 6,500–10,500/- was to be granted to the petitioner with effect from 10.04.1995. This direction was not contingent upon what was being accorded to others. As observed earlier, it was only on the question of payment of interest that parity was to be drawn with other persons who had been granted arrears of pay and allowances.

20. In the present case, by creating a self-generated ambiguity in the Order, the respondents have failed to comply with the Order dated 12.08.2014 passed by the learned Tribunal and have compelled the petitioner to pursue multiple rounds of litigation.

21. In view of the above, we direct the respondents to disburse all arrears due to the petitioner by granting him the pay scale of Rs. 6,500-10500/- with effect from 10.04.1995, along with interest at the rate of 6% per annum, payable with effect from two months after the Judgment dated 27.09.2017 passed by this Court in W.P.(C)



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7002/2015. The payment of interest is being awarded from this date as this Court, in its aforesaid Judgment, had granted two months' time to the respondents to comply with the direction issued by the learned Tribunal, which, as noted, has not been done by the respondents. The respondent shall also pay costs of Rs. 20,000/- to the petitioner.

22. The above directions must be complied with by the respondents within a period of four weeks from today.

23. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 29, 2025/prg/Av/DG