



2025:DHC:10727-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 28.11.2025***+ W.P.(C) 5451/2024 & CM APPL. 22522/2024
NBCC (I) LTD

.....Petitioner

Through: Mr. Gudipati Gayatri Kashyap,
Adv.

versus

TRILOK CHAND & ORS.

.....Respondents

Through: None

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed, challenging the Order dated 08.01.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, the 'Tribunal') in O.A. No. 9/2018, titled ***Mr. Trilok Chand & Ors. v. Union of India, Through its Director General & Anr.***, allowing the said O.A. filed by the respondents herein with the following directions:

"In view of the above, the present OA deserves to be allowed. Impugned speaking order dated 29.09.2017 issued by respondent No.2 is quashed and set aside. The respondents are directed to step up the pay of the applicants with their juniors from the date of their drawing higher pay on notional basis. The applicants shall also be entitled to all consequential benefits on their re-fixation of pay/pension. However, in the facts and circumstances of the case, we do not grant any



interest on payment of arrears of difference in pay and allowances. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.”

2. It is the admitted case of the petitioner that officers junior to the respondents were given a higher pay scale. The same is being justified by the petitioner on the basis of an Office Order No. 872/05, dated 09.09.2005, which reads as under:

“OFFICE ORDER NO.872/05

Board of Directors in the 348th and 350th Meeting have decided that, all employees on CDA pattern pay structure, on their promotion henceforth to a higher post or selection to a higher post through internal selection process shall be brought on IDA pattern pay structure and placed in the IDA scale of pay attached to the higher post. This issues with the approval of competent authority.”

3. The learned counsel for the petitioner submits that the placement of officers in the IDA scale of pay was to be made only upon their promotion to a higher post or upon their selection to a higher post through an internal selection process subsequent to the said Office Order.

4. He submits that in the present case, illustratively, the respondent no. 1 was promoted to the post of DM (F) prior to the said Office Order, that is, on 23.01.2004 and, therefore he continued under the CDA pay scale. Whereas Mr. T. N. Mehra, officer junior to the respondent no. 1, was promoted to the post of DM (F) on 20.05.2006, that is, after the



Office Order, and therefore was placed under the IDA scale of pay. He submits that as the pay scales of the junior officers were revised on the IDA pattern, they started getting a higher pay as compared to their senior counterparts with effect from 01.01.2007, on their next increment.

5. We have considered the submissions made by the learned counsel for the petitioner; however, we find no merit in the same.

6. Admittedly, the respondents were working in the same organization and were senior to the persons who were later placed in the IDA scale of pay and granted financial upgradation, resulting in the anomaly of juniors drawing a higher pay than their seniors. The learned Tribunal had also taken note of the same by observing as under:

“5.12 From the above analysis, we find that it is an undisputed fact that the applicants belong to the same cadre against which they are seeking parity. There is no denial of the fact that T.N. Mehra and others are not juniors to the applicants and that their seniority list is distinct and operated separately. It is the nomenclature/designation which is sought to be differentiated; otherwise the respondents have not been able to make out a case that there is a marked distinction qua the post(s). More importantly, it is also undisputed that there cannot be any special treatment leading to unjustifiable grant of higher pay scale belonging to the persons in the same cadre. Neither, the respondents have made out any intelligible differentia nor there is any nexus with the object sought to be achieved which would reflect that the applicants are not entitled to pay parity in the same cadre. In absence of any specific Rule, the officers cannot be discriminated qua the pay parity in the same cadre qua juniors, even though designation is different as nomenclature of posts is not the sole determinative factor. It is well established that the classification can be



based on some qualities or characteristics of persons grouped together and not in otherwise who are left out. The respondents have not been able to make out a case on the basis of classification which has some distinctive characteristics of the persons which cannot be grouped together in the same cadre. Hence, the persons in the same cadre and hierarchy cannot be differentiated in the matter of pay parity. The present case is not a case of pay parity but stepping up of the pay of senior employees at par with their junior employees. Furthermore, merely because no guidelines have been issued from DoP&T/DPE regarding stepping up of the pay of senior employees at par with their junior employees) while converting the pay of an employee from CDA pattern to IDA pattern cannot be a valid justification to deny the claim.”

7. The petitioner has been unable to explain why only those officers who were promoted after the issuance of the Officer Order No. 872/05, were placed in the IDA scale of pay. Even if that be so, a junior officer cannot be drawing a higher pay scale as compared to his senior, except for certain defined circumstances, which were not made out in the present case.

8. Accordingly, we find no merit in the present petition. The same, along with the pending application, is disposed of.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 28, 2025/b/RM/Yg