



2025:DHC:4125-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 21.05.2025***

+ W.P.(C) 4735/2025 & CM APPL. 21755/2025

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr.Shashank Dixit, CGSC with
Mr.Kunal Raj, Adv.

versus

ABHAY RAJ PAL

.....Respondent

Through: None

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

1. This petition has been filed by the petitioners, challenging the Order dated 01.08.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal'), in O.A. No. 4336/2018, titled ***Abhay Raj Pal v. Union of India & Ors.***, allowing the O.A. filed by the respondent herein with the following directions:

"14. Resultantly, the O.A. is allowed and the impugned order dated 27.04.2018 is quashed and set aside, qua the applicant. The respondents are directed to revise the pay of the applicant at par with his junior, Shri Devendra Singh, w.e.f. the date of amalgamation of the posts, i.e. 01.09.2009. On account of such refixation of pay, he shall also be entitled for arrears of the difference of pay and pension, with other consequential benefits, if any. The aforesaid directions shall be complied with by the respondents within a period of two months from the date of receipt of a copy of this order. However, there shall be no order as to costs."

2. Giving a brief background of the facts in which the present petition arises, the respondent was appointed as a Postal Assistant in

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the Department of Posts (DoP) in 1990-91. He was sent on deputation to the Department of Telecommunications (DoT) on 29.10.1992. While on deputation, he was also promoted to the post of JAO/AAO in his parent department, that is, the DoP. He was repatriated to the DoP on 13.10.2008, and retired from service in the DoP as a Senior Account Officer on 31.08.2016.

3. In the meantime, by a Gazette Notification dated 28.08.2009, the 'Indian Posts & Telecommunications Accounts and Finance Service' (IP & TAFS) was created by the Government of India, amalgamating the Accounts Cadres of the DoP and the DoT with effect from 01.09.2009.

4. The DoT issued an Order clarifying that the status of AAOs as physically working in the DoT on 01.09.2009 would continue to serve on an "*as is where is*" basis. An Office Memorandum dated 30.03.2011 was also issued in terms of FR-22, providing for the protection of the last pay drawn in the DoT for MOs working in the DoT as of 01.09.2009.

5. The respondent raised a claim for pay protection in terms of the said O.M., which request was rejected by the petitioners on the ground that, since the respondent was not serving in the DoT on 01.09.2019, the said O.M. was not applicable to him.

6. Aggrieved by such rejection, the respondent filed the above-mentioned O.A.

7. The learned Tribunal, in the Impugned Order, has granted the relief to the respondent by placing reliance on FR 22, stating that a senior cannot be paid less pay than his junior. The learned Tribunal found that the respondent was all along senior to Shri Devendra Singh



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in the DoP, and after amalgamation of the Accounts Service of the DoP and the DoT, both became part of the common accounts cadre of IP & TAFS Group 'B' Service. The learned Tribunal, therefore, held that the pay of the respondent needs to be stepped up to be at parity with his juniors.

8. There is no dispute before us that the respondent was indeed senior to Shri Devendra Singh. The only defence taken by the petitioners is that Shri Devendra Singh benefitted because he was on deputation with the DoT as on 01.09.2009 and, therefore, in terms of the O.M. dated 30.03.2011, was entitled to the pay protection, which the respondent was not.

9. We are not impressed with the above submission of the learned counsel for the petitioners.

10. The learned Tribunal has rightly rejected the claim of the respondent based on the O.M. dated 30.03.2011, taking into account the fact that he was not on deputation with the DoT as on the said date, however, it has thereafter, rightly granted relief to the respondent on the basis of the FR 22(i)(a)(i).

11. We, therefore, do not find any merit in the present petition. The same along with the pending application is dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 21, 2025/sg/DG

Click here to check corrigendum, if any