



2025:DHC:10661-DB



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

Date of decision: 24.11.2025

(3)+ W.P.(C) 6999/2025 & CM APPL. 31557/2025, CM APPL. 31559/2025, CM APPL. 31560/2025

UNION OF INDIA & ORS.

.....Petitioners

Through: Ms. Arunima Dwivedi, CGSC
with Ms. Himanshi Singh, Ms.
Monalisha Pradhan and Ms.
Priya Khurana, Advs.

versus

SANJOY KAR AND ORS.

.....Respondents

Through: Ms. Sumita Hazarika, Mr.
Prakhar Gupta, Advs.

(15)+ W.P.(C) 15338/2022 & CM APPL. 47628/2022, CM APPL. 8499/2025

UNION OF INDIA & ANR.

.....Petitioners

Through: Ms. Pratima N. Lakra, CGSC
with Mr. Chanakya Kene, Adv.

versus

**ALL INDIA POSTAL
ASSOCIATION & ORS.**

ACCOUNTS EMPLOYEES
.....Respondents

Through: Ms. Sumita Hazarika, Mr.
Prakhar Gupta, Advs.

(16)+ W.P.(C) 16869/2022 & CM APPL. 53417/2022

UNION OF INDIA & ORS.

.....Petitioners

Through: Ms. Pratima N. Lakra, CGSC
with Mr. Chanakya Kene, Adv.

versus

B.G. DHAMANGAOKAR & ORS.

.....Respondents

Through: Ms. Sumita Hazarika, Mr.



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Prakhar Gupta, Advs.

(17)+ W.P.(C) 12663/2023 & CM APPL. 49917/2023

UNION OF INDIA AND ORS.

.....Petitioners

Through: Ms. Pratima N. Lakra, CGSC
with Mr. Chanakya Kene, Adv.

versus

K.L. SAINI AND ORS.

.....Respondents

Through: Ms. Sumita Hazarika, Mr.
Prakhar Gupta, Advs.

(18)+ W.P.(C) 12667/2023 & CM APPL. 49927/2023

UNION OF INDIA & ORS.

.....Petitioners

Through: Appearance not given

versus

C.S. CHOUHAN & ORS.

.....Respondents

Through: Ms. Sumita Hazarika, Mr.
Prakhar Gupta, Advs.

(19)+ W.P.(C) 8910/2024 & CM APPL. 36354/2024

UNION OF INDIA & ANR.

.....Petitioners

Through: Ms. Arunima Dwivedi, CGSC
with Mr. Himanshu Singh &
Ms. Monalisha Pradhan & Ms.
Priya, Advs.

versus

SRI DEBANANDA BHATTACHARJEE AND ORS.

.....Respondents

Through: Ms. Sumita Hazarika, Mr.
Prakhar Gupta, Advs.

**(20)+ W.P.(C) 380/2025 & CM APPL. 1817/2025, CM APPL.
1818/2025, CM APPL. 1819/2025**

UNION OF INDIA AND 5 ORS.

.....Petitioners

Through: Ms. Arunima Dwivedi, CGSC



2025:DHC:10661-DB



with Mr. Himanshu Singh &
Ms. Monalisha Pradhan & Ms.
Priya, Advs.

versus

RAKESH KUMAR AND 67 ORS.Respondents
Through: Ms. Sumita Hazarika, Mr.
Prakhar Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. These petitions have been filed, challenging the common Order dated 16.08.2022 passed in O.A. No.795/2015, titled *Shri Debananda Bhattacharjee & Ors. v. Union of India & Ors.*; O.A. No.1498/2015, titled *Sh. Sanjoy Kar & Ors. v. Union of India & Ors.*; and O.A. No.1735/2015, titled *B.G. Dhamangaokar v. Union of India & Ors.* (in W.P.(C) 8910/2024, W.P.(C) 6999/2025, and W.P.(C) 16869/2022, respectively); Order dated 03.02.2022 passed in O.A. No.763/2015, titled *All India Postal Accounts Employees Association & Ors. v. Union of India & Ors.* (in W.P.(C) 15338/2022); Order dated 24.04.2023 passed in O.A. No.1331/2015, titled *K.L. Saini & Ors. v. Union of India & Ors.* (in W.P.(C) 12663/2023); Order dated 24.04.2023 passed in O.A. No.396/2015, titled *C.S. Chouhan & Ors. v. Union of India & Ors.* (in W.P.(C) 12667/2023) and; Order dated 24.04.2023 passed in O.A. No.2282/2015, titled *Rakesh Kumar & Ors. v. Union of India & Ors.* (in W.P.(C) 380/2025) by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as,



‘Tribunal’), allowing the said O.As. filed by the respondents herein with a direction to the petitioners to grant the upgraded pay scales to the respondents with effect from 01.01.1996, along with arrears, within a period of 12 weeks, failing which the petitioners would be liable to pay the arrears with simple interest at 6% per annum thereon. It was further directed by the learned Tribunal that the petitioners shall take a conscious view to grant the said relief to all such similarly placed employees, instead of compelling them to take recourse to litigation.

2. The petitioners further challenge the Order dated 06.03.2023 passed by the learned Tribunal in R.A. No. 7/2023 in O.A. No. 795/2015 and O.A. No. 1498/2015, dismissing their Review Application.

3. The brief background of the facts in which the present set of petitions arises, is that the respondents are employees of the Organized Accounts Cadre, serving in the Ministry of Railways and the Department of Posts. When the recommendations of the Fifth Central Pay Commission (CPC) were accepted by the Union of India, and came into effect from 01.01.1996, the same were also adopted by the Ministry of Railways and other Ministries. However, soon thereafter, certain anomalies were pointed out, especially with respect to implementation of the Fifth CPC recommendations in relation to the Finance and Accounts Department staff across various Ministries. The issue was that the officers and staff of the Accounts Department had not been given pay structure commensurate with their qualification and responsibility in comparison with the Ministerial staff of the



Railways and other departments. The general principles adopted by the Fifth CPC were that in categories where there is considerable element of direct recruitment of graduates, a minimum pay-scale of Rs. 1400-2300 (revised to Rs. 4500-7000) was allotted. However, in the case of Junior Accounts Assistants (JAA), where the element of direct recruitment is as high as 80%, the normal replacement scale of Rs. 1320-2040 was given. Further, other similarly placed staff in other departments of the Railways, where the direct recruitment of graduates at entry level is much lower, had been given the higher placement scale of Rs. 1400-2600 which was denied to the Accounts Staff.

4. Accordingly, on 02.02.2003, the Railway Board, Ministry of Railways made a proposal for allotment of the improved pay scales to staff of the Finance and Accounts Department in the Railways with effect from 01.01.1996. This proposal was considered by the Cabinet, and when the matter travelled up to the Standing Group of Ministers, it was decided that while the revised pay scale would be granted notionally from 01.01.1996, the effective date of the grant of the higher pay scale would be 19.02.2003, that is, when the Cabinet Secretariat had approved the same.

5. Pursuant to the Cabinet decision dated 19.02.2003, the Ministry of Finance & Company Affairs issued an Office Memorandum No. 6/82/E/II(B)/91 dated 28.02.2003, whereby the pay scales of the office staff belonging to the Organized Accounts Department across all Ministries were upgraded on a notional basis with effect from 01.01.1996, with actual payments to be made with effect from



19.02.2003. This was further communicated by the Railway Board *vide* Circular dated 07.03.2003, specifically for Railway accounts staff, implementing the said Office Memorandum dated 28.02.2003.

6. Similarly, the Department of Posts, Postal Accounts Wing, *vide* Letter dated 06.03.2003, directed all Heads of Postal Circles and all Heads of Postal Accounts Offices that the O.M. 28.02.2003 be implemented in the cases of Accounts employees in equivalent posts.

7. Aggrieved by the restriction of actual payment to prospective effect from 19.02.2003 despite notional upgradation from 01.01.1996, an O.A. was filed by similarly placed employees working in the Accounts Department of the Railways, before the Ernakulum Bench of the learned Tribunal, being O.A. No. 671/2003, titled ***Jose Sebastian & Ors. v. Union of India & Ors.***, which came to be allowed by the learned Tribunal by its Order dated 30.06.2006, holding as under:

"10) The only question, that arises for consideration is whether the decision to grant the revised pay scales to the Railway Accounts Staff has any nexus to the recommendations of the Vth [CPC](#). The Respondents maintained that the new pay scales do not emanate from the recommendations of the Vth [CPC](#) and a separate exercise has been under taken for improvement of the pay scales in the behalf and that the Railway Board held identified the issue as an and the matter had been referred to the anomaly committee. The PA was therefore the contention of the Respondent that the consideration of revision of pay scales of the Accounts Staff in the Railways had nothing to do with the Vth Pay Commission recommendations are not borne out by the facts on record, Further annexure R-1 which is the Railway Board order dated 16.10.1997 implementing the recommendations of the Vth [CPC](#) has itself specified that the pay scales



of categories like the Accounts Assistants were under examination at the time of issue of the orders. Note-1 on page 8 of the order states:

Recommendations of the Vth Pay Commission on pay scales for other specified categories are under examination. Pending decision, the normal replacement scales as in the First Schedule would apply."

11) The recommendations for the Ministerial Staff in other than Accounts Department are contained at Sl. No. 11 page 6 of this order and that for the Accounts Department at Sl. No. 13 on page 7 of the order. The category of "Junior Accounts Assistant" is not shown under the heading of Accounts Department. This clear point to the fact that this category came under "other specific categories mentioned in the above mentioned. "Note" for which proposals were examination. It was pending such a decision that normal replacement scales were made applicable to this category. The improved scales now given after examination of the anomaly are very much an offshoot of the Vth CPC recommendations Therefore we reject the contention of the Respondents that the Pay Scales now granted by the impugned orders did not emanate from the recommendations of the Vth [CPC](#).

12) Further, as the matter of discrepancies in the Pay Scales of Ministerial Staff in other Departments and Accounts Department was treated as an anomaly and examined for redressal of the same, there is no reason why the same treatment given to other category of staff, like the artisans whose cases were also taken up by the Anomaly Committee and were given the revised scale later w.e.f. 1.1.1996, should be denied to the category of Accounts Assistant. In fact it is seen from the impugned order that the Railways have decided to grant the revised pay scales on notional basis w.e.f. 1.1.1996. If there was no nexus between the



Vth [CPC](#) recommendations and the scales now granted there was no need for the Government to come to such a decision to make it effective from 1.1.1996. Since this category has already been placed in the normal replacement scale, revision of pay on notional basis will also imply, as argued by the learned counsel for the Applicants, that the pay fixation has to be effected in terms of Railway Services (Revised Pay) Rules 1997. The Respondent have to inevitable take recourse to the provisions of the Revised Pay Rules. Hence mere contending that the revised Pay Scales has nothing to do with the Vth [CPC](#) recommendations sounds hollow, it appears that the Respondents are merely repeating the same words for arguments sake."

8. The said decision of the Ernakulum Bench of the learned Tribunal was assailed by the petitioners before the Kerala High Court in W.P.(C) No.22276/2007, which was dismissed *vide* Order dated 27.03.2012. The SLP, being SLP(C) No.9832/2013, filed thereagainst was also dismissed *vide* Order dated 25.02.2013, as also the Review Petition thereagainst, being Review Petition(C) No. 1494/2013, *vide* Order dated 01.08.2013.

9. Simultaneously, a similar O.A., being O.A. No. 925/2003, titled ***Sudama Singh & Ors. v. Union of India & Ors.***, seeking identical reliefs was preferred before the Patna Bench of the learned Tribunal, by other similarly situated employees of the Railway Accounts Department, however, the same was dismissed by Order dated 30.06.2005. This decision, however, was set aside by the Patna High Court in Order dated 09.04.2010 passed in W.P.(C) No.11452/2005, by holding as under:

5. It is thus evident that of the four categories of employees of the Indian Railways, namely, Artisan Staff, Master Cook in Catering, Medical and Canteen Departments, and



Primary School Teachers, have been given uniform treatment by identifying their appropriate pay-scales, and granting them monetary benefits w.e.f. 1.1.1996, the date on which the recommendations of the Vth Pay Commission were enforced. On the other hand, the employees of Accounts Establishment have been given a differential treatment. They have not been given monetary benefits w.e.f. 1.1.1996, but have instead been given notional benefits w.e.f. 1.1.1996, as a result of which they have been deprived of the differential amount of salary for the period 1.1.1996 to 19.2.2003. This calls for serious consideration.

6. The only logic advanced by the respondent authorities before the Tribunal was that these three categories of employees had threatened to proceed on strike, leading to mutual negotiations, and bipartite settlements. The Tribunal has, therefore, concluded that there was a sound basis to treat the three categories of employees differently. In the absence of such agreement governing the employees of the Accounts Establishment, the Tribunal has concluded, it cannot be said to be a case of discriminatory treatment.

7. We have given our thoughtful consideration to the matter, and entirely disagree with the approach of the learned Tribunal. Threat of strike, and the consequent agreement, cannot be a valid basis for such a discriminatory treatment. We consider it to be a most unsound basis which can never be said to provide reasonable differentia with the object sought to be achieved. No logic has been advanced that the category of employees of Accounts Establishment have to be differently treated, say, for example, nature of duties and functions, in absence of which we have no hesitation in holding that this category of employees has been subjected to hostile discrimination. It was open to the respondents



to give notional benefit to the employees of the Accounts Establishment, provided the same principle were applicable to all categories of employees, in the absence of which it falls foul of Articles 14 and 16 of the Constitution of India.”

10. The Civil Review Petition No.233/2010 filed thereagainst was dismissed *vide* Order dated 03.04.2013. The SLP filed thereagainst, being SLP(C) Nos. 1587-1588/2014, was also dismissed *vide* Order dated 07.07.2014, with the following directions:

“...The special leave petitions are dismissed. However, the relief granted by the Central Administrative Tribunal (CAT) as affirmed by the High Court shall be confined to the parties before the Tribunal as well as before the High Court. This is without prejudice to the rights of other claimants which will be adjudicated on its own merit as and when any such claim is raised.”

11. Another set of employees of the Railway Accounts Staff, approached the learned Tribunal by filing O.A. No. 4419/2014, titled ***All India Railway Accounts Staff Association & Ors. v. Union of India & Ors.***, which was dismissed by the learned Tribunal on 15.09.2015. The same was challenged before this Court in W.P.(C) No.1523/2016, which was allowed *vide* Judgment dated 18.12.2019, on the ground that denying some Accounts cadre employees the benefit of revised pay scale from 01.01.1996, while granting the same to others, would result in discrimination between equally placed employees, which is not permissible in law. The Court held that once the Railways had accepted similar decisions from Ernakulam and Patna Benches granting benefits from 01.01.1996, there was no



justification for denying the same benefit to other Accounts cadre staff working in different zones.

12. This decision was assailed before the Supreme Court in SLP(C) No. 13518/2020, which was dismissed *vide* Order dated 08.01.2021, however, leaving the question of law open.

13. The present set of respondents, claiming to be similarly situated as the above, filed the abovementioned O.A.s before the learned Tribunal, seeking upgraded pay scales on actual basis with effect from 01.01.1996 along with arrears, which, as noted, were allowed by the Impugned Orders. Aggrieved thereby, the petitioners have filed the present petitions.

14. The learned counsels for the petitioners submit that when the present petitions were filed, similar issues and directions, as issued by the High Court of Judicature at Patna, the High Court of Kerala and this Court, were pending adjudication before the Supreme Court in Special Leave Petitions.

15. They further submit that, in view of the O.M. dated 28.02.2003 and the Railway Board Circular dated 07.03.2003, the cause of action, if any, for the respondents stood accrued as on that date. They submit that the O.A.s filed by the respondents before the learned Tribunal were filed much belatedly, only in the year 2015, and sought the relief of arrears of pay. They submit that the O.A.s were, therefore, barred by limitation. In support, they place reliance on ***Bhoop Singh v. Union of India***, (1992) 3 SCC 322 and ***S. S. Rathore V. State of MP***, (1989) 4 SCC 582.

16. On the other hand, the learned counsel for the respondents



submits that similar pleas of the petitioners have been rejected by this Court in *Union of India & Ors. v. N.K. Mishra & Ors.*, 2024:DHC:516-DB, wherein this Court granted the same relief to employees of the Organized Accounts Cadre who were serving in the Department of Telecommunications. She submits that the plea of limitation is misconceived as it was incumbent upon the petitioners to *suo motu* extend the benefits to all similarly placed employees, without compelling individual employees to file separate applications.

17. She further submits that the respondents, who belong to the Organized Accounts Cadre serving in the Department of Posts as also the Ministry of Railways, being part of the same integrated accounts establishment as the Railway accounts staff and Telecommunications accounts staff who have already been granted relief, are entitled to identical treatment.

18. We have considered the submissions made by the learned counsels for the parties.

19. The essential issue that arises for our consideration is whether the respondents, belonging to the Organized Accounts Cadre serving in the Department of Posts and the Ministry of Railways, are entitled to upgraded pay scales with effect from 01.01.1996 along with arrears.

20. The O.M. dated 28.02.2003 was a policy decision applicable to all employees of the Organized Accounts Cadre across all Ministries. The Office Memorandum itself records that "*keeping in view the fact that pay scales of corresponding categories in various organized Accounts cadres have traditionally been on par, it has been decided that the dispensation approved in case of the Accounts Staff of*



Railways may be extended to the corresponding categories in all the organized Accounts cadres."

21. Once multiple Courts have held that this policy, to the extent it grants only notional benefits from 01.01.1996 with actual monetary benefits from 19.02.2003, is discriminatory and violative of Articles 14 and 16 of the Constitution, the finding applies to the policy itself and not merely to individual parties before those Courts.

22. The Supreme Court, while dismissing SLP(C) Nos. 1587-1588/2014, specifically clarified that the relief would be confined to parties before the Court *"without prejudice to the rights of other claimants which will be adjudicated on its own merit as and when any such claim is raised."* This clearly contemplates that other similarly placed employees can raise similar claims to be decided on merits.

23. The respondents are members of the same Organized Accounts Cadre, governed by the same Office Memorandum dated 28.02.2003, performing identical functions, having identical qualifications, and placed in identical circumstances as employees who have already been granted relief. To deny them the same relief merely because they were not parties to earlier proceedings would perpetuate the very discrimination that has been struck down by multiple Courts.

24. Further, we are now also informed that those Special Leave Petitions, which, as per the learned counsels for the petitioners, were pending adjudication, have been dismissed by the Supreme Court. Moreover, by an Order dated 21.11.2025 passed in Contempt Petition (C) No. 377/2025, titled ***Pulak Chakraborty & Ors. v. Satish Kumar & Anr.***, in SLP(C) No. 14938/2020, the petitioners have assured the



Supreme Court that the process of compliance with the said orders is underway and is likely to be completed by the end of January, 2026.

25. On the question of limitation, this Court in *N. K. Mishra* (supra) has already rejected the said submission of the petitioners, by observing as under:

“14. Despite the aforesaid position emerging from the record that the impugned order is based on an earlier order passed by the learned Tribunal in O.A. 527/2015, which order dated 16.08.2022 has attained finality, we have still examined the matter on merits but find no reason to differ with the learned Tribunal. We are of the view that taking into account the admitted position that it is only pursuant to the recommendations made by the 5th CPC, which were duly accepted by the Government, that the pay scale of the respondents was enhanced on 19.02.2003, the necessary corollary thereof was to grant all the benefits to the respondents on actual basis from the date, the recommendations were accepted. Once the government chose to accept the recommendations of the 5th CPC, it was not permissible for the petitioners to take a view that actual benefits will not be granted w.e.f. 01.01.1996. Furthermore, once the benefits of the higher replacement scale being extended to similarly placed employees was not only covered by the decision of the Ernakulum Bench in 2006, but also by the Patna High Court and by the Principal Bench of the Tribunal in O.A. No. 527/2015, we are of the view that the respondents are also entitled to receive the same benefits. Infact, after the series of these decisions by different Courts, the petitioners were expected to itself extend the benefits to all similarly placed employees including the respondents



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herein. We, are, therefore of the considered view that in this factual matrix, it cannot be said that the claim of the respondents was barred by delay or latches.”

14. In view of the above, we find no merit in the present set of petitions. The same are accordingly, dismissed.

15. The petitioners shall comply with the orders of the learned Tribunal in the same manner and as per the directions of the Supreme Court in the Contempt Petition referred above.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 24, 2025/ys/SJ