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

+ **W.P.(C) 7487/2013**

SUWA LAL MEENA

.....Petitioner

Through: Mr. Anuj Aggarwal, Mr. Vikrant
Chawla, Mr. Mayank Chauhan, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr Rajesh Kumar, SPC with Ms
Pragya Yadav, Adv for UOI.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

01.09.2025

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1. The Petitioner has approached this Court with the following prayers:

“1. Issue a Writ of Certiorari quashing the letter/ order dated 24.06.2013 issued by the Respondent No. 2, vide which Petitioner’s claim of stepping up of pay was rejected;

2. Issue a Writ of Mandamus against the Respondents thereby directing them not to give effect to condition 'C mentioned under Note 10 below Rule 7 of CCS (RP) Rules-2008 in cases of promotion of government servants belonging to SC/ST category by virtue of rule of reservation/ roster, thereby making them senior to the persons who were appointed earlier in the junior grade than such government servants belonging to SC/ST category;

3. Issue a Writ of Mandamus directing the Respondents to pay arrears of pay after granting benefit of stepping up of pay to the Petitioner to make his pay equal to the pay of his juniors with effect from the date of promotion of the person junior to the Petitioner; and

4. Pass any other order/s, which your lordships may



deem fit and proper in the facts and circumstances of the present case as well as in the interest of justice.”

2. The facts of the present case reveal that the Petitioner and one Mr. B.B. Sharma, in whose pay scale the Petitioner seeks stepping up of pay, were appointed in the CRPF as Assistant Sub Inspector.
3. The Petitioner was appointed on 06.09.1988 as Assistant Sub Inspector (Ministerial). However, Mr. B.B. Sharma with whom the Petitioner seeks parity of pay, was appointed as Assistant Sub Inspector on 31.08.1984.
4. Mr. B. B. Sharma, was promoted as Sub Inspector (M) on 09.02.1993, whereas the Petitioner was promoted as SI (M) on 27.09.2008. However, in view of the Amendment in Article 16 under Section 16(4) A, the Petitioner belonging to the Scheduled Caste candidate was granted a promotion as Inspector on 01.01.2005 whereas Mr. B.B. Sharma who was a promoted as Inspector only on 01.07.2006.
5. Consequently, the further promotion of Subedar Major (OSM) was given to the Petitioner on 29.09.2008, whereas Mr. B.B. Sharma, who was promoted as Subedar Major (OSM) on 01.07.2012.
6. It is pertinent to note that one day prior to being promoted as Subedar Major (OSM), the Petitioner was drawing a pay scale of Rs. 15,280/- + Grade Pay-4600 of whereas Mr. B.B. Sharma was getting a pay scale of Rs. 15,750 i.e. more than the Petitioner with the Grade Pay of 4600.
7. On being promoted as Subedar Major, the Petitioner's pay scale was raised to Rs. 15880/- with 4800 grade pay whereas Mr. B.B. Sharma continued on the pay scale of Rs. 15,750/- + 4600 grade pay.
8. It is pertinent to mention that the pay scale of Mr. B. B. Sharma kept



on increasing and was Rs. 17,640/- on the date when Mr. B. B. Sharma was appointed as Subedar Major.

9. The short question that arises for consideration is that even though Mr. B. B. Sharma was promoted later as Subedar Major should the pay scale of Mr. Meena, be increased to be instead that of Mr. B.B Sharma.

10. The Union of India has filed the Counter Affidavit.

11. Rule 7 of the Swami CCS (RP) Rules 2008 and more particularly, Note 10 on the said Rule, reads as under :-

“In cases where a senior Government servant promoted to a higher post before the 1st day of January, 2006 draws less pay in the revised pay structure than his junior who is promoted to the higher post on or after the 1st day of January, 2006, the pay in the pay band of the senior. Government servant should be stepped up to an amount equal to the pay in the pay band as fixed or his junior in that higher post. The stepping up should be done with effect from the date of promotion of the junior Government servant subject to the fulfillment of the following conditions, namely: -

(a) both the junior and the senior Government servants should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre.

(b) the pre-revised scale of pay and the revised grade pay of the lower and higher posts in which they are entitled to draw pay should be identical.

(c) the senior Government servants at the time of promotion should have been drawing equal or more pay than the junior.

(d) the anomaly should be directly as a result of the application of the provisions of Fundamental Rule



22 or any other rule or order regulating pay fixation on such promotion in the revised pay structure. If even in the lower post, the junior officer was drawing more pay in the pre-revised scale than the senior by virtue of any advance increments, granted to him provision of this Note need not be invoked to step up the pay of the senior officer.

2. Subject to the provisions of Rule, if the pay as fixed in the officiating post under sub-rule (1) is lower than the pay fixed in the substantive post, the former shall be fixed at the same stage as the substantive pay.”

12. Undoubtedly, the intial part of Note 10 would be applicable to the facts of this case for the reason that Mr. Meena/Petitioner who is senior as Subedar Major was promoted prior to Mr. B. B. Sharma as Subedar Major and, therefore, is entitled to stepping of pay. However, this stepping of pay is subject to four conditions.

13. Condition no. C stipulates that the senior Government Servant at the time of promotion should have been drawing equal or more pay than the junior.

14. The fact of the case reveals that on the date of their promotion to Subedar Major, the Petitioner was drawing a lessor pay compared to that of Mr. B. B. Sharma. Since the condition stipulated in Note 10 of Rule 7 does not apply, the case of the petitioner cannot be considered favourably.

15. Mr. Anuj Aggarwal, learned Counsel for the Appellant also places reliance on the OM dated 21.01.2002, which had been brought out pursuant to the Judgment of the Apex Court in Indra Sahani 1992, and more particularly Paragarph 4 of the OM:



“(iv)(a). On the basis of the revised seniority, consequential benefits like promotion, pay pension, etc. should be allowed to the concerned SC/ST Government servants (but without arrears by applying principle of no work no pay).

(b) For this purpose, senior SC/ST Government servants may be granted promotion with effect from the date of promotion of their immediate junior general/OBC Government servants.

(c) Such promotion of SC/ST Government servant may be ordered with the approval of Appointing Authority of the post to which the Government servant is to be promoted at each level after following normal procedure of DPC (including consultation with UPSC).”

16. The said OM dated 21.01.2002, which reliance is placed by Mr. Anuj Aggarwal, learned Counsel for the Petitioner would not have any bearing on this case, because undoubtedly, Article 16(4) A provides for reservation and promotion of the Petitioner has been promoted and consequential benefit of pay will also be given to the Petitioner but he prayer for stepping up of pay is not governed by Rule 7 of CCS (RP) Rules-2008. The Petitioner is not entitled to stepping up of pay.

17. In view of the above, this Court is fortified by the two judgments of the Apex Court.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

SEPTEMBER 1, 2025/ps