



2025:DHC:8449-DB



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

Date of decision: 16.09.2025

+ W.P.(C) 2146/2021 & CM APPL. 6257/2021, CM APPL. 71262/2024

THE DIRECTOR BUREAU OF OUTREACH AND COMMUNICATION AND ORS

.....Petitioners

Through: Adv. (Appeared through V.C)

versus

CHITRA SHARMA AND ORS.

.....Respondents

Through: Ms. Aishwarya Dobhal & Mr. Akbar Qureshi, Advs.

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 19.11.2019 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal'), in O.A. No. 3153/2016, titled ***Chitra Sharma and Ors. v. Union of India & Ors.***, allowing the said O.A. filed by the respondents herein, with the following direction-

"12. We, therefore, allow the OA. Respondents are directed to remove the anomaly within a period of three months, in respect of the pay structure of the program officers which resulted on account of the impugned order dated 12.10.2015. It shall be



ensured that the highest of the grade pay for any post of SA shall be less than the grade pay of the lowest of the post in the category of POs. There shall be no order as to costs.”

2. At the outset, we would note that by an application, that is, CM APPL. 71262/2024, the petitioner has sought to place on record certain additional facts in respect of respondent no. 14.
3. The learned counsel for the respondents submits that she does not wish to file any response to this application and, in fact, does not dispute that the respondent no. 14 was initially appointed as an Actor on 16.04.1999; was declared as a Staff Artist *vide* letter dated 16.10.1995; and thereafter, promoted to the post of Drama Producer with effect from 09.02.2010. She submits that, therefore, the respondent no. 14 would be entitled to the benefit of the Judgement.
4. We will not make any comment on the benefit of the Judgement to a particular respondent.
5. Accordingly, the said application stands disposed of by taking the above facts on record.
6. As far as the Impugned Order is concerned, the learned Tribunal has observed that for the post of Staff Artist, the Grade Pay was Rs.2400/- and for a higher group in that category, it was Rs.4200/-, while for the post of Programme Officer, the starting Grade Pay was Rs. 4600, and thereafter, there were four promotional avenues with different grade pays, the highest being Rs.6600/-. It is stated that two of them have since been abolished.
7. The Director of S&DD of the Ministry had submitted a proposal



to the Supreme Court wherein four tier structure of SA was indicated with a grade pay ranging from Rs.4200/- to Rs.6600/-. The same was accepted by the Supreme Court, resulting in issuance of the Order dated 12.10.2015, providing for restructuring of the cadre of Staff Artist from 1996 onwards.

8. The respondents approached the learned Tribunal contending therein that the Staff Artist is, in fact, a post lower in stature as compared to the Programme Officer and, therefore, the Order dated 12.10.2015 has resulted in an anomaly, inasmuch as, the cadre which earlier had a higher pay scale and the officers working there were in fact the reporting officers for the Staff Artist, were now drawing a lesser pay.

9. The learned Tribunal accepted the above submissions, observing as under.

“8. The broad nature of the structure of the employees in S&DD of the Ministry is indicated in the preceding paragraphs. The comparison is only between the two categories namely PO and SA. While the former is a Group ‘B’ Gazetted, the latter is Group ‘C’, Non Gazetted. In terms of the pay structure recommended by the VI CPC and implemented by the Government, the grade pay at the entry level for the PO category is Rs. 4600/- and for the highest of the post is in Rs. 6600/ (the one with grade pay of Rs. 7600/- is said to have been abolished). In contrast, the Grade pay for the post in category of SA is Rs. 2400/- and Rs. 4200/-. The gist of the recommendation of the V CPC in respect of the SA was creation of promotional avenues.

9. Complaining that recommendation of the V CPC are not implemented the employees of that category approached the Tribunal and



ultimately the matter reached the Hon'ble Supreme Court. At the stage of implementation, the Ministry was required to maintain a balance between the two categories. Once highest of the grade pay in SA is less than the lowest of the grade pay for the post of POs, the same ratio or level play was required to be maintained.

10. Through the impugned order, the respondents created a four tier structure for the respective categories and four separate grade pays were created in the SA. While grade pay for the post in entry grade i.e. grade - IV is at Rs. 4200/the one at grade - I was stipulated as Rs. 6600/-. It is not necessary for us to take note of every sub category within the same category. The grade pay of Rs. 6600/- for the post within the category of SA becomes higher than by Rs. 2000/-. This was never contemplated in the recommendation of V CPC. The reason for this anomaly is fairly stated by the respondents in their additional counter affidavit. In para- 3 it is stated as under:-

"3. That the proposal dated 09.04.2014 prepared by the then Director, S&DD and his action of filing it before Hon'ble Supreme Court without the approval of competent authority in the Government of India has allowed Staff Artistes to receive upgraded pay scales. That for the error committed by the then Director, S&DD in preparation of the proposal dated 09.04.2014 disciplinary proceedings have been initiated against him for his misconduct of preparing the note dated 09.04.2014 and filing it before Hon'ble Supreme Court without the approval of the competent authority in the Government of India. That if the Cadre Restructuring of other cadres will be done in comparison with the proposal dated 09.04.2014 it would open Pandora box and give scope for



number of litigations in a chain reaction."

11. From this, it is evident that the entire exercise was erroneous and it is the handwork of the then Director, S&DD. It is also stated that the efforts made by the Government to seek review from the Hon'ble Supreme Court did not materialise. At this stage we are not concerned with the legality or otherwise of restructuring of the cadre of SA or verification of their pay scales or grade pay. Effort is only to ensure that the superiority which is inherent in the cadre of POs in comparison to that of the SA, is maintained. It would not only be a case of anomaly, but a matter of ridicule, in case an employee in Group 'C', Non Gazetted draws higher pay than the employee in Group 'B', Gazetted."

10. We find no infirmity in the Impugned Order passed by the learned Tribunal. The learned Tribunal has held that an anomaly had arisen due to the Order dated 12.10.2015 wherein, the cadre of Programme Officers, which is superior to the cadre of Staff Artists in the hierarchy of cadres, has today being placed at a disadvantageous position as compared to Staff Artists; with employees in group 'C' non-Gazetted drawing a higher pay than an employee in a group 'B' Gazetted post.

11. In view of the above, the Writ Petition, along with the pending applications, is dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 16, 2025/hk/k