



2026:DHC:1481-DB



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

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Judgment reserved on: 09.02.2026
Judgment pronounced on: 20.02.2026

+ **W.P.(C) 1764/2026, CM APPL. 8584/2026, CM APPL. 8585/2026**

UNION OF INDIA

.....Petitioner

Through: Mr. Nishant Gautam, CGSC
with Ms. Kavya Shukla, Mr.
Vineet Negi, Mr. Naman
Verma, with Officers present-
Brigadier Niloy Saha.

versus

SHUBHAM PANDEY AND ORS

.....Respondents

Through: Mr. Aditya Narayan Tripathy,
Dr. Kedar Nath Tripathy, Mr.
Niraj Sinha, Ms. Soumya
Punna, Ms. Pallavi Sahu, Advs.

CORAM:**HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE AMIT MAHAJAN****J U D G M E N T****AMIT MAHAJAN, J.**

1. The present petition has been filed assailing the order dated 25.02.2025, passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter 'CAT') in O.A. No. 1804/2023 whereby the Petitioner was directed to re-fix the basic of the Respondents by allowing the benefit of pay protection of the pay drawn by them along with consequential benefits.



2. The quintessential facets governing the present dispute are that the Respondents are Direct Recruit Officers of the Military Engineer Services ('MSE') of different Batches, 18 of them are from Indian Defense Service of Engineers ('IDSE') Cadre and the other 3 belong to Quantity Surveying and Contracts ('QS&C') Cadre, recruited between 2003 to 2019, as Assistant Executive Engineers ('AEE') through the All India Engineering Services Examination by the Union Public Service Commission, within.

3. At the time of appearing for the examination, they were employed at various PSUs viz. BHEL, NTPC, IOCL, PGCIL, ONGC etc. and it has been alleged that they had overall suffered in terms of total salary while switching their employment from the PSUs to the Central Governments posts.

4. Hence, the Respondents made several representations seeking Pay Protection as per Pay Protection Guidelines issued by the Department of Personnel and Training, however, the said request was denied by the Department on the basis of the OM Dated 10.07.1998 *vide* Letter dated 15.05.2023 by stating that protection of pay is only available if the selection is through interview and not through an open competitive examination. The relevant extract reads as under: -

"I . Reference your letter No 1025/O.ffrs/41/CTLCC dated 24 Feb 2023 and this office letter No CRO/20/SB-l 0384/Gp-l dated 17 Mar 2023.

2. The contents of your representation has been perused by competent authority and the following are brought out for your kind info:-



(a) Govt of India Min of Personnel, Public Grievances & Pension (Department of Personnel & Training) **letter No. 12/1/96-Estt {Pay-I} dated 10 Jul 1998** has issued guidelines for fixing of pay of candidate working in Public Sector Undertaking etc, recommended for appointment by the UPSC which states as under:-

"The benefit of pay protection is available to the Government servants on their recruitment by selection through UPSC, subject to fulfillment of certain conditions. Earlier benefit was extended to the candidates working in central PSUs/State PSUs/Universities/Semi-Government Institutions Autonomous Bodies etc. with a view to drawing talent, which is available in those organizations. The question whether the objective underlying the above orders could be achieved through open competitive examination in which the employees from Public Sector Undertaking etc, also appear has been considered. It is clarified that the benefit of pay protection under the above orders is available only if the selection is through interview and not through in open competitive examination. Wherever the protection under the above orders is to be given, the Commission will indicate in its recommendation letter to the Min concerned that pay of such candidates should be fixed as per the guidelines laid down in the above orders. Further, the benefit would be available to an officer coming from PSU etc only if the officer has completed the period of probation successfully for being regularized/confirmed in the post in the parent organization. "

b) Afterward on receipt of certain cases seeking clarification on the exact scope and in the light of various Court Judgments, Govt of India Min of Personnel Public Grievances & Pension (Department of Personnel & Training vide **letter**



No 5/2/2012-Estt {Pay-I} (Vol-II) dated 13 Aug 2020 has revised the above subject matter and directed as under: -

"The benefit of pay protection will be available to Direct Recruits appointed in Central Government to those posts for which the relevant Recruitment Rules prescribe a requirement of minimum number of years of experience in a specified area from the field sources (autonomous bodies, PSUs etc) for appointment under the method of direct Recruitment. The benefit will be allowed irrespective of whether the post is filled by the recruiting agency on the basis of interview or open competitive exam or combination of both".

(c) You have been recruited for the post of Assistant Executive Engineer in Military Engineer Services. The Recruitment Rules for the post of AEE is mentioned in SRO-9. The Recruitment Rules for the post of AEE are as under-

"The post shall be filled by the direct recruitment through Combined Engineering Services Examination conducted by Union Public Service Commission."

3. From the above, it is clear that you have been recruited for the post AEE where no minimum number of years of experience is prescribed in the Recruitment Rules, therefore no pay protection is permissible as per extant Rules.

4. This dispose off your re-presentation accordingly."

5. Aggrieved, the Respondents approached the learned CAT by way of the O.A. seeking setting aside of the above Letter dated 15.05.2023 and all other such Rejection Letters and directions to the Petitioners for refixation of their basic pay by allowing the benefit of Pay Protection of the Pay drawn by them



in their respective PSUs. The learned CAT *vide* the impugned order allowed the O.A. and granted the benefit of pay protection to the Respondents for the services rendered in the PSUs. The relevant extract is reproduced as under: -

“13. In view of the same, the impugned order dated 15.05.2023 and all other such rejection orders issued by the respondent to the applicants herein are hereby quashed and set aside. The respondents are directed to re-fix the basic pay, allowing the benefit of pay protection of the pay drawn by the applicants and to grant all consequential benefits within a period of two months from the date of receipt of a certified copy of this order, failing which the applicants shall be entitled to interest at the GPF rate.

14. The O.A. is disposed of accordingly. All pending Applications, if any, shall also stand disposed of. No costs.”

6. The learned Counsel for the Petitioner has submitted that the learned CAT has ignored the express stipulations contained in the OM dated 10.07.1998 and 13.08.2020 and, in effect, rewrites the applicable service policy and recruitment framework of the Military Engineer Services.

7. It is submitted that recruitment to the posts of Assistant Executive Engineer / AEE (QS&C) under the IDSE and MES cadres is conducted through the open competitive Examination and the Examination Notices issued by UPSC for the relevant years clearly demonstrate that the only minimum educational qualification prescribed for admission to the examination and appointment to the said posts is a degree in Engineering (B.E./B.Tech or equivalent) from a recognized university and the



said notifications do not prescribe any minimum prior service experience, whether from Public Sector Undertakings, autonomous bodies or otherwise, as an eligibility condition for entry to these posts. The is merely an entry level post as a fresh induction level without any experience channel.

8. It is submitted that DoPT OM dated 10.07.1998 clarifies pay protection under OM 07.08.1989 available only for interview-based selection, not open competitive examination; and DoPT OM dated 13.08.2020 restricts pay protection to direct recruitment posts where recruitment rules prescribe minimum years of experience from field sources (PSUs/autonomous bodies). However, neither of the above conditions is satisfied in the case of AEE/AEE(QSC) i.e. the Respondents.

9. Hence, it is prayed that the impugned order dated 25.02.2025 be set-aside and the contempt proceedings C.P. No. 589/2025 in O.A. 1804/2023 be stayed.

10. *Per contra*, the learned Counsel appearing on behalf of the Respondents has submitted that the impugned order dated 25.02.2025 passed by the learned CAT warrants no interference, as the issue of grant of pay protection to officers recruited through UPSC from PSUs stands conclusively settled by a consistent line of judgments of this Hon'ble Court, including ***Sanjog Kapoor v. Union of India (UOI) and Others 2007 (6) SLR 76***, Order dated 06.01.2016 in W.P. (C) No. 8660/2005 titled ***Nagendra Kumar Jha vs. Union of India and Anr.***, Order dated 23.02.2022 in W.P.(C) No.3338/2022 titled ***Union of India***



v. Abhay Kumar and Order dated 22.09.2023 passed in W.P.(C) No.12475/2023 titled *Union of India v. Manjesh Porwal & Ors.* It is further submitted that the contention of the Petitioner that pay protection is impermissible in cases of recruitment through open competitive examination has been expressly rejected, and the subsequent DoPT OM dated 13.08.2020, cannot be invoked to deny a benefit to the Respondents.

11. Submissions heard and the material placed on record as well as the impugned judgment has been examined.

Analysis

12. It emerges that all the grounds raised before this Court have already been considered and addressed in detail by the learned CAT.

13. At the outset, it is apposite to mention that while exercising jurisdiction under Article 226 of the Constitution of India, does not sit in appeal over the orders passed by the Tribunal. The scope of judicial review is limited to examining the decision-making process and not the correctness of the decision on merits. Unless the impugned order suffers from perversity, patent illegality, violation of principles of natural justice, or lack of jurisdiction, interference by the writ court is not warranted. e-appreciation of the merits or substitution of the Tribunal's view with another plausible view is impermissible.

14. In cases, where the learned Tribunal has passed an order after applying binding precedents, the writ court should refrain



from interfering unless it is shown that the precedents are distinguishable or have been set-aside.

15. The relevant extract of the DoPT OM dated 07.08.1989, necessary for adjudication of the present issue, is reproduced as under: -

“1. The undersigned is directed to say that as per extant rules/orders on the subject, pay protection is granted to candidates who are appointed by the method of recruitment by selection through the U.P.S.C. if such candidates are in government services. No such pay protection is granted to the candidates working in the public sector undertaking, universities, semi-government institutions, or autonomous bodies, when they are so appointed in government. As a result of this, it has not been possible for govt. to draw upon the talents that is available in non-government organizations.

2. The question as to how pay protection can be given in the case of candidates recruited from public sector undertakings, etc. has been engaging the attention of the government for sometime. The matter has been carefully considered and the president is pleased to decide that in respect of candidates working in public sector undertakings, universities, semigovernment institutions or autonomous bodies, who are appointed as direct recruits on selection through a properly constituted agency including departmental authorities making recruitment directly, their initial pay may be fixed at a stage in the scale of pay attached to the post so that the pay and D.A. as admissible in the government will protect the pay + D.A. already being drawn by them in their parent organization. In the event of such a stage not being available in the post to which they have been recruited, their pay may be fixed at a stage just below in the scale of the post to which they have been recruited, so as to



ensure minimum loss to the candidates. The pay fixed this formulation will not exceed the maximum of the scale of the post to which they have been recruited. The pay fixation is to be made by the employing ministries/departments after verification of all the relevant documents to be produced by the candidates who were employed in such Organizations.”

16. The relevant extract of the subsequently issued DoPT OM dated 10.07.1998 is reproduced as under: -

"2. The Department has recieved certain cases seeking clarification as to the scope of this departments OM dated 07.08.89 and the conditions under which benefit under that OM is admissible. The matter has been examined in consultation with the UPSC and the position is clarified as under.

3. The benefit of pay protection is available to the Government servants on their recruitment by selection through UPSC, subject to fulfillment of certain conditions. Earlier benefit was extended to the candidates working in central PSUs/State PSUs/Universities/Semi- Government Institutions Autonomous Bodies etc. with a view to drawing talent, which is available in those organizations. The question whether the objective underlying the above orders could be achieved through open competitive examination in which the employees from Public Sector Undertaking etc, also appear has been considered. It is clarified that the benefit of pay protection under the above orders is available only if the selection is through interview and not through in open competitive examination. Wherever the protection under the above orders is to be given, the Commission will indicate in its recommendation letter to the Min



concerned that pay of such candidates should be fixed as per the guidelines laid down in the above orders. Further, the benefit would be available to an officer coming from PSU etc only if the officer has completed the period of probation successfully for being regularized/confirmed in the post in the parent organizations. "

17. The relevant extract of the DoPT OM dated 13.08.2020 is reproduced as under: -

“ North Block, New Delhi
Dated the 13th August, 2020

OFFICE MEMORANDUM

Subject: Protection of pay in respect of candidates from PSUs, Universities, autonomous bodies, etc. on their appointment to Central Government posts on Direct Recruitment basis -reg.

The undersigned is directed to refer to this Department's OM No. 12/1/88-Estt.(Pay-I) dated 07.08.1989, OM No. 12/1/88-Estt.(Pay-I) dated 28.02.1992, OM No. 12/1/88Estt.(Pay-I) dated 08.06.1993, OM No. 12/1/96-Estt.(Pay-I) dated 10.07.1998, OM No. 12/3/2009-Pay-I dated 30.03.2010 and OM No. 12/03/2017-Estt.(Pay-I) dated 28.07.2017 on the subject cited above, whereby guidelines for fixation of pay of candidates working in Public Sector Undertakings etc. including Central Public Undertakings, State Government Undertakings, Universities, Semi Government Institutions, Autonomous Bodies and Nationalised Banks including State Bank of India and Reserve Bank of India, on their appointment as Direct Recruits, on selection, through a properly constituted agency including Departmental authorities were issued.

2. On receipt of certain cases seeking clarification as to the exact scope of



this Department's OM dated 07.08.1989 and the conditions under which the benefit under that OM is admissible, this Department vide OM No 12/1/96-Estt. (Pay-I) dated 10.07.1998 clarified that the pay protection under the above orders is available, only if, the selection is through interview and not through an open competitive examination.

3. However, in the light of various court judgments and references received from various quarters, the above-mentioned policy of pay fixation of the candidates coming from field sources (PSUs, Universities etc) referred to in para 1, has been reviewed.

*4. The President is pleased to decide that notwithstanding the mode of selection, **henceforth**, the benefit of pay protection will be available to Direct Recruits appointed in Central Government to those posts for which the relevant Recruitment Rules prescribe a requirement of minimum number of years of experience in a specified area from the field sources (autonomous bodies, PSUs etc.) for appointment under the method of direct recruitment. The benefit will be allowed irrespective of whether the post is filled by the recruiting agency on the basis of interview or open competitive exam or combination of both."*

18. It emerges that the controversy with respect to the applicability of the pay protection policy to Direct Recruits who have been recruited through an open competitive examination conducted by the UPSC rather than through an interview-based selection process, sought to be raised by the Petitioner, is no longer *res integra*. The issue has also been comprehensively examined by this Court in **Sanjog Kapoor** (supra), wherein the Court, while interpreting the DoPT OM dated 10.07.1998,



unequivocally rejected the contention that pay protection is confined only to cases of interview-based selection and not to recruitment through open competitive examinations conducted by UPSC.

19. In *Sanjog Kapoor* (supra), this Court has emphasized that the object of the pay protection policy is to incentivize experienced personnel working in PSUs and similar organizations to enter government service without suffering financial loss, and that such object cannot be defeated by a narrow or hyper-technical interpretation of the mode of selection. It was held that once the recruitment is conducted by UPSC and the candidate otherwise fulfils the conditions prescribed under the policy, denial of pay protection solely on the ground that selection was through an open competitive examination would be arbitrary and unsustainable. The relevant extract is reproduced as under: -

"5. It is the petitioner's submission that the Tribunal did not go into the challenge to the OM dated 10.7.1998 despite a review application being filed. It refused to interfere with an interpretation that the OM of 1998 was meant to clarify the OM of 1989. According to OM of 1998, the Government grants benefit of pay protection only if selection from PSUs etc is made through interview and not through an open competitive examination. Petitioner contended that by no stretch of imagination can the OM of 1998 be deemed as a Clarificatory OM as it did not make any distinction between 'selection' through interview and 'selection' through open competitive examination of which 'interview' is an essential component. Had it been of Clarificatory nature, the benefit of



OM 1989 granted to large number of direct recruits similarly placed as the petitioner should have been withdrawn.

6. It may be noted that between 1989 and 1998 large number of officers of various services including members of IRS were appointed as direct recruits through selection by UPSC by way of all India competitive examination and were granted the benefit of pay protection. The order of pay protection dated 27.3.2001 with respect to one Sh. P. V. Gupta, Section Officer, was produced on record along with few other orders. Petitioner submitted that even after the issuance of the OM of 1998, no action was taken for withdrawal of benefit given to large number of officers.

7. A candidate has to fulfil the following requirements to get the benefit of OM of 1989 and even of OM of 1998:

(i) candidate must be working in Public Sector Undertakings, Universities, Semi-Government or Autonomous Institutions or Autonomous bodies.

(ii) Appointment should be as a direct recruit.

(iii) Selection should be through a properly constituted agency including departmental authorities making recruitment directly. OM of 1998 purported to exclude selection through an open competitive examination and restrict the benefit to selection through interview only vide OM of 1998.

(iv) Candidates should have completed the period of probation successfully in his parent organization though such a condition was not a part of original OM of 1989.

It is the petitioner's case that he meets the above parameters. He was employee of a PSU and was directly recruited by UPSC, into the IRS. His selection procedure had interview as



an important component and he had completed his probation period and was issued a certificate of deemed confirmation by VSNL

8. In the alternative, it was contended by Mr. Rao for the petitioner that OM of 1998 is not applicable to the petitioner as process of selection had commenced in January, 1998 and preliminary examination was conducted in June, 1998 whereas OM of 1998 was issued in July, 1998

9. As to the Rules which apply to the petitioner and the means of selection, whereas it is the petitioner's case that the OM of 1998 will not apply to him as his selection process was initiated prior to the OM coming into being, the respondents urged that the said OM would apply as petitioner was taken into government service on a day subsequent to the OM of 1998 coming into existence. In our view the OM of 1998 will apply to the petitioner as he was taken in Government employment subsequently.

10. Nonetheless the challenge to the said OM on the ground of it being arbitrary, discriminatory and against the underlying object of drawing talent from PSUs and other organizations survives. **The OM makes no distinction between selection through 'interview' alone and selection through 'open competitive examination' of which interview is a necessary component.** The same is required to be examined. The rationale behind the OM of 1989 was explicitly mentioned to be that of drawing upon talent from non-government organizations by direct recruitment through a properly constituted agency or departmental authorities making recruitment directly. With such intention pay protection was granted to candidates working in Public Sector Undertakings, Universities Semi Government Institutions or Autonomous bodies who were appointed as direct recruits. Subsequently the DoPT received certain cases seeking clarification as to the exact scope of OM dated 7.8.1989 and the conditions under



which benefit under that OM is admissible. Accordingly vide OM dated 10.7.1998 the position was clarified in terms as quoted in para 2(iv) above. What requires to be tested now is whether it is permissible for the DOPT to issue a Clarificatory OM reducing the scope of a prior OM without giving any reasons therefore. Also whether the distinction between selection through 'interview' and selection through 'open competitive examination' brought out by OM of 1998 is based on any reasonable basis or is it arbitrary and discriminatory, as alleged.

11. Considering that the reasons leading to the formulation of the OM in 1989 was to attract talent from PSUs etc by protecting their pay, we do not see as to how selection through interview alone would draw such talent and not selection through other open competitive examinations of which interview is an important element. Mr Kait appearing for the Union of India had sought to urge that the objective of attracting talent to government services is not achievable by extending the benefit of pay protection to those PSU employees who come through open competitive examination. Accordingly the UPSC in consultation with DoPT decided that the benefit should be confined to cases of selection by interview. He submitted that they had found the department indulging in anomalies where persons, who had participated and made it through open competitive examinations were given pay protection. This he said does not serve the purpose of attracting best talent and it would also be beyond the purview of the OA to go into the question of rationale for the policy. He further urged that order granting pay protection produced on record were of period prior to 10.7.1998.

12. We fail to understand as to why candidates selected via open competitive examination would not be in line with the object of drawing the best talent from non government bodies.



Petitioner in the review petition had given details of several instances where candidates belonging to PSUs and selected through open competition by way of civil services examination and others had been given the benefit of pay protection. Petitioner had cited the cases of Shri P.V. Gupta, Section Officer in the Ministry of Rural Development; Kumari C.T.M. Suguna who was selected to Indian Administrative Service and was earlier working in Indian Overseas Bank; Shri Dalip Kumar who was appointed as ICAS in 1993 and was earlier working in the State Bank of India and Shri Rajesh Kumar, Sector Officer in the Ministry of Human Resource Development. The Tribunal, as we notice had proceeded as if there was no challenge to the vires of the Memorandum dated 10th July, 1998.

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15. In these circumstances, we hold that the distinction sought to be drawn between candidates selected from non government bodies through interview and those selected through open competitive examination is sans rationale justification. Protecting the pay of one and not protecting the pay of the other set of candidates is completely arbitrary and illogical. The purpose behind grant of pay protection was to draw talent from organisations like PSUs. The best talent is drawn through the Civil Services Examination. Encouraging employees of PSUs to sit for such examination which is highly competitive is in line with the purpose behind the OM of 1989 of attracting the best talent. Even assuming that for the purposes of pay protection, the distinction between selection through interview and selection through open competitive examination does hold a rational nexus, the Civil Services Examination, through which the petitioner has been selected also comprises a comprehensive interview. Therefore denial of pay protection benefit to the petitioner is unjustified and illegal."



20. This view has also been endorsed by a Coordinate Bench of this Court in **Nagendra Kumar Jha** (supra) wherein it was held that denial of pay protection to the petitioner therein, who had moved to the CISF after selection through the Civil Services Examination, was unsustainable in law. Relying on the earlier Division Bench decision in **Sanjog Kapoor** (supra), the Court reaffirmed that the OM dated 10.07.1998 could not arbitrarily restrict the benefit of pay protection only to cases of selection through interview, as such a distinction lacks any rational nexus with the object of the original OM dated 07.08.1989, which was to attract and retain talent from PSUs and similar institutions. It was further noted that the 1998 OM, being merely clarificatory, could not curtail substantive rights created under the 1989 OM, especially where the recruitment process involved both open competition and interview.

21. In the case of **Abhay Kumar** (supra) a Coordinate Bench of this Court granted pay protection to the IRSME Officers who were previously employed with PSU-NTPC by observing that: -

"3.6. As noticed above, two Division Benches of this court have rendered a view concerning the DoPT's OM dated 10.07.1998. Therefore, the submission advanced by Mr Singh that the pay protection could have been accorded to the respondent only if he had been selected [i.e., had been recruited through An interview] cannot be accepted."

22. The submission that these judgments are confined to *generalist civil services* and cannot apply to technical cadres is without merit. The ratio of the aforesaid decisions is not founded



on the nature of the cadre, but on the principle that denial of pay protection solely on the basis of the mode of selection, despite recruitment through UPSC and prior service in PSUs, is discriminatory and lacks rational nexus with the object of the policy.

23. Much reliance has been placed by the Petitioner on the DoPT OM dated 13.08.2020 to deny the benefit of pay protection to the Respondents. Evidently, the OM dated 13.08.2020 marks a conscious shift in the policy and regime governing pay protection by expressly removing the earlier distinction based on the mode of recruitment, whether by interview or open competitive examination introduced by the 1989 and 1998 OMs, and instead anchored entitlement to pay protection to the nature of the post itself by giving a minimum experience requirement criterion. The OM itself specifically mentions that after issuance of the 1989 and 1998 OMs, the pay protection policy was “*reviewed*” in the light of the various judgments, indicating that the same was specifically passed by the executive after considering and accepting the decisions of the courts in regard to pay fixation of Direct Recruits and for effective implementation of the same.

24. Additionally, it is a settled principle of law that executive instructions, unless expressly stated otherwise, operate prospectively and cannot be invoked to unsettle vested rights or override binding judicial interpretations. The OM dated 13.08.2020 neither expressly nor by necessary implication provides for retrospective application, rather the word



“*henceforth*” implies that it was intended to be prospective in nature. Therefore, when the OM itself is prospective and is not applicable to the Respondents who had admittedly joined services from 2003-2019 i.e. prior to 13.08.2020, the argument that post of Assistant Executive Engineer is an entry-level post with no prescribed experience requirement under the Recruitment Rules and hence does not fulfil the second criteria of “*minimum experience*”, becomes untenable.

25. Rather, a similar contention was categorically rejected in ***Manjesh Porwal*** (supra) and pay protection was granted to ICAS Officers who were previously employed with various PSUs and had joined services through examination process *via* UPSC. It was observed that the executive cannot, through subsequent clarificatory instructions, dilute or nullify the effect of judgments that have attained finality. It has also been pointed out that the Special Leave Petition has been dismissed and the judgment has attained finality.

26. Thus, without going into the validity of the OMs, it is concluded that in the present case, the two OMs of the DoPT cannot be used to negate the entitlement of the Respondents, particularly when similarly situated officers have already been granted pay protection.

27. In view of the above discussion, no perversity, illegality, or jurisdictional error is made out in the impugned order dated 25.02.2025 passed by the learned CAT warranting interference under Article 226 of the Constitution of India.



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28. Accordingly, the Petitioner is directed to pass consequential orders within 3 months from date, re-fixing the basic pay of the Respondents by granting them benefit of pay protection and all consequential benefits. The Respondents shall also be entitled to interest on the arrears at GPF Rates from 25.02.2025 (date of the impugned order). In case of non-payment of arrears within 3 months from date, the Petitioner will also be liable to pay penal interest at the rate of 12%.

29. Since the Petitioner has been, without any reason, denying and delaying the benefit of pay protection to the Respondents, a cost of Rs. 25,000/- is imposed, which is directed to be deposited at DHCLSC within 4 weeks from date.

30. Consequently, the writ petition is dismissed. The prayer for stay of contempt proceedings in C.P. No. 589/2025 is also rejected. Pending application(s), if any, stand disposed of.

AMIT MAHAJAN, J.

ANIL KSHETARPAL, J.

FEBRUARY 20, 2026

jnv