



\$~110

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

+ **CONT.CAS(C) 564/2025**

KALU RAM SAINI

.....Petitioner

Through: **Mr. P. Sureshan, Advocate.**

versus

GOVIND MOHAN AND OTHERS

.....Respondents

Through: **Ms. Arti Bansal, CGSC for UOI.**

**Insp. Sanjay Kumar, CISF along with
SI Atul Sen, SI Manju Natha and ASI
Amit Kumar Verma, CISF.**

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

18.03.2026

%

1. The present petition alleges wilful disobedience of the directions contained in the judgment / order dated 07.01.2025 passed in W.P.(C) 9899/2019. The operative directions contained therein are as under:

“29. We, therefore, direct as follows: -

a) The UPSC/CISF shall declare the petitioner as finally selected for the recruitment to the post of Assistant Commandant (Exe) through the LDCE-2019, and issue him an offer of appointment for the said post within a period of four weeks.

b) The petitioner shall be entitled to and shall be granted retrospective seniority just above the respondent no.4 and other consequential benefits, along with his batchmates; however, he shall not be entitled to any pay or allowances for the period he has not worked as an Assistant Commandant (Exe).

c) The appointment of the respondent no.4 shall also not be disturbed due to appointment of the petitioner.”

2. The controversy which led to the aforesaid directions was the petitioner's non-selection for the post of Assistant Commandant (Executive)



in the Limited Department Competitive Examination (LDCE)-2019.

3. Despite securing 369 marks - identical to the last recommended candidate (Respondent No. 4), the petitioner was excluded based on a tie-breaking formula applied by the UPSC, which accorded preference to higher marks in one of the papers.

4. The petitioner contended that, in the absence of a pre-notified tie-breaking criterion, seniority in age ought to govern the inter se merit, a principle recognised in prior judicial precedents.

5. In the above backdrop, the petitioner's writ petition came to be allowed and the aforesaid directions were issued.

6. After the aforesaid directions were issued, the petitioner was issued an appointment letter in terms of directions contained in Paragraph 29 (a) of the aforesaid order dated 07.01.2025, and the petitioner thereafter physically joined as Assistant Commandant (Exe.) on 26.07.2025 at the National Industrial Security Academy (NISA), Hyderabad.

7. While the respondents have confirmed that the petitioner's seniority shall be fixed just above respondent no. 4, the petitioner remains aggrieved by the non-grant of consequential benefits, inasmuch as his pay is not at par with that of respondent no. 4, despite being ranked higher in the seniority list.

8. In a compliance affidavit filed on 09.12.2025, the respondents sought to urge that the petitioner's pay had been adjusted with annual increments as if he had joined in 2019. The compliance affidavit, *inter alia*, states as under:-



4. That in compliance of order dated 07.01.2025, the answering respondent/CISF has issued an Order dated 29.10.2025 as per which the pay of the petitioner has been fixed notionally with effect from the date of joining of his batch-mates i.e. 13.10.2019 of CISF-AC-LDCE, 2019(except back wages prior to the date of his joining at AC/Exe. i.e. 26.07.2025), in accordance with the instructions contained in CCS(RP) Rules 2016 notified vide GSR No. 721(E) dated 25.07.2016 Govt. of India Ministry of Finance. Department of Expenditure OM No. F-No.1-5/2016-IC dated

29.07.2016 vide CISF NISA Hyderabad SO Part-II No. 1191/2025 issued under letter No. (2996) dated 29.10.2025. The petitioner has been granted the pay matrix level (10) Rs. 56100-177500 and further annual increment as mentioned in Letter dated 29.10.2025. As far as question of seniority of the petitioner, it has already been endorsed in the offer of appointment dated 08.07.2025 at para 6(a) that *"Your seniority will be fixed as per direction of the Hon'ble Delhi High Court in W.P.(C) No. 9899/2019 and Government instructions issued from time to time, in this regard"*. A copy of the said letter No. (2996) dated 29.10.2025 is annexed herewith as **Annexure R-2.**

5. That in view of the above, it is respectfully submitted that the present affidavit is being filed by the respondents in compliance of order dated 07.01.2025 passed in WP(C) No. 9899/2019 read with order dated 09.09.2025 passed by this Hon'ble Court in the subject contempt petition.



9. An additional affidavit came to be filed by the respondents pursuant to the directions contained in the order dated 12.12.2025 passed in these proceedings, in view of the contention of the petitioner regarding his pay being lower than the pay being given to the respondent no.4. In the said affidavit, it has been stated as under:-

6. That in the present case, though notional seniority and pay fixation have been granted to the petitioner in compliance with the judicial directions, the petitioner physically joined service only on 26.07.2025 and has not yet successfully completed the prescribed period of probation. Therefore, he does not fulfill the mandatory eligibility condition of successful completion of probation for grant of Senior Time Scale.

10. The petitioner is aggrieved by the non-grant of consequential benefits, inasmuch as the salary paid to him is lower than that of respondent No. 4.

11. It is submitted that reason/ justification cited in the above quoted Paragraph 6 of the Additional Affidavit filed on behalf of the respondents is unmerited.

12. There is merit in the petitioner's contention that the grant of consequential benefits necessarily requires that he not be placed at a disadvantage in the matter of pay fixation as compared to respondent No. 4; otherwise, the very purport of granting such benefits would stand defeated.

13. The reasons cited in the afore-quoted paragraph 6 are not attributable to the petitioner; rather, they stem from the petitioner having been compelled to approach this Court due to the manner in which the respondents conducted the selection process.

14. The petitioner having succeeded in his challenge and having been



granted consequential benefits cannot be discriminated in the matter of fixation of pay *qua* the respondent no.4. This clearly flows from the directions contained in Paragraph 29 (b) of the judgment dated 07.01.2025 in W.P.(C) 9899/2019, which expressly mandate that the petitioner shall be granted retrospective seniority just above Respondent No. 4, along with all consequential benefits.

15. It is incongruous to grant seniority to the petitioner above the respondent no.4 but to give a lower pay to the petitioner *vis-a-vis* respondent no.4.

16. In the circumstances, the respondents are directed to fix the petitioner's pay at par with that of respondent no. 4, thereby granting him the consequential benefits in terms of paragraph 29(b) of the judgment dated 07.01.2025.

17. Let the needful be done within a period of eight weeks from today.

18. The petition is disposed of in the above terms. In case there is any omission on the part of the respondents in implementing the aforesaid directions, the petitioner shall be entitled to revive the present petition.

SACHIN DATTA, J

MARCH 18, 2026/r