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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2170/2026, CM APPL. 10515/2026, CM APPL. 10516/2026 and CM APPL. 10517/2026

UNION OF INDIA AND ANR

.....Petitioners

Through: Mr. Siddhartha Shankar Ray,
CGSC with Ms. Sonali Modi,
Mr. Mukul Dev, Advs.

versus

MRS JYOTI JAIN AND ORS

.....Respondents

Through: Ms. Rashmi Chopra, Sr. Adv.
with Mr. Puneet Rathi, Mohd
Shahrukh Qureshi, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

16.02.2026

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1. The present petition has been filed challenging the correctness of the Judgment dated 02.07.2025, (hereafter, “**impugned judgment**”) passed by the Central Administrative Tribunal, Principal Bench, New Delhi (hereafter “**CAT**”) in O.A. No. 3926/2024, pursuant to which the Respondents were held entitled to the extension of Non Functional Upgradation in the Grade Pay of ₹5,400/- in Pay Band-III, w.e.f 01.01.2023, on completion of 04 year service in Grade Pay of ₹4,800/-, reckoned from 01.01.2019.

2. Respondents are working as Private Secretaries in the Central Administrative Tribunal, Principal Bench, New Delhi. The Respondents joined the service as Stenographer Grade ‘D’, in the year 1998 and were promoted to the post of Stenographer Grade-C / Court



Master on 01.01.2009, on notional basis.

3. On completion of 10 years of service in Grade Pay of ₹4,600/-, the applicants were extended Grade Pay of ₹4,800/- on 01.01.2019, in terms of the MACP Scheme. They were subsequently promoted to the post of Private Secretary in Grade Pay of ₹4,800/- by order dated 26.04.2023.

4. Respondents approached the learned CAT claiming that they were entitled to Non-Functional Upgradation on completion of 04 year service in Grade Pay of ₹4,800/-, from the date of grant of MACP, that is from 01.01.2019.

5. The learned Tribunal, placing reliance upon the Judgment passed by Ernakulam Bench of Central Administrative Tribunal in O.A. No.161/2019, in regard to similarly placed employees working with the learned Central Administrative Tribunal, Ernakulam Bench allowed the O.A, by the impugned order.

6. The learned CAT also noted that the Coordinate Bench of the learned CAT in Ernakulam relied upon the Judgment passed by the Hon'ble High Court of Madras in ***M. Subramaniam v. Union of India & Ors. : W.P 13225/2010***, which was subsequently confirmed by the Hon'ble Supreme Court in the SLP (Civil) No. 17576/2017.

7. On being pointedly asked, the learned counsel representing the Union of India fairly stated that the Respondents in the present case are identically placed as the employees before the learned CAT, Ernakulam.

8. It is also not disputed that the order passed by the Coordinate Bench of CAT, Ernakulam was upheld by the Hon'ble High Court of Kerala and the SLP challenging the order of the Hon'ble High Court of Kerala has also been dismissed.



9. A similar view has also been taken by a Coordinate Bench of this High Court in **W.P.(C) 10081/2025 titled Union of India & Ors. v. Ghanshyam Vashisth** in its decision dated 23.07.2025. The Coordinate Bench rejected the challenge by the Union of India and upheld that the Respondents therein are entitled to Grade Pay of ₹5,400/- in PB – III from the date of completion of 04 years of service in Grade Pay ₹4,800/-.

10. It is thus undisputed position that similarly situated employees serving as Private Secretaries at the CAT, Ernakulam Bench, who initially joined service as Court Master/Stenographer Grade–C and were granted financial upgradation under the MACP Scheme upon completion of ten years of service, and who were thereafter promoted to the post of Private Secretary, on regular basis, in the Grade Pay of ₹4,800/–, were further granted Grade Pay of ₹5,400/– in PB–III on a non-functional basis upon completion of four years of regular service in the Grade Pay of ₹4,800/–. Pertinently, the benefit of Non-Functional Upgradation was extended upon completion of four years in the Grade Pay of ₹4,800/–, from the date of grant of MACP itself.

11. Once it is not disputed that similarly placed employees have already been given the benefit, we find no reason to take a different view discriminating the employees working with the learned CAT, Principal Bench, New Delhi.

12. Once the benefit of the Judgment passed by the learned Tribunal has been extended to one class of employees, which has attained the finality up to the Hon'ble Supreme Court, the Union of India cannot take up a different stand to the detriment of similarly placed employees.

13. In view of the above, we find no infirmity in the order passed by the learned CAT.



14. The present Petition is, therefore, dismissed.
15. Pending applications also stand disposed of.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 16, 2026
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