



2026:DHC:4555



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 28.04.2026**+ **CONT.CAS(C) 80/2025**

GOUTAM CHAKRABORTY AND ORSPetitioners

Through: Mr. M.C. Dhingra, Sr. Adv., Mr. Tashriq Ahmad, Ms. Farzeen Iqbal, Mr. Gaurav Dhingra and Mr. Shashank Singh, Advs.

versus

THE DEFENCE SECRETARY AND ORSRespondents

Through: Mr. C.A. Brijesh, Mr. Ritwik Sharma and Mr. Ishith Arora, Advs. for Sharad Mehra.
Ms. Manisha Agarwal Narain, CGSC, Mr. Siddhant Soni, Mr. Nipun Jain, Ms. Dimpi Vaid, Mr. Rishabh Dev, Advs.

12

+ **CONT.CAS(C) 177/2025 and CM APPLs.7046/2025, 7047/2025**ORDNANCE FACTORIES OFFICE SUPERINTENDENTS
WELFARE ASSOCIATION (OFOSWA) THROUGH ITS
GENERAL SECRETARYPetitioner

Through: Mr. Mriganga Dutta, Sr. Adv., Mr. P. S. Sudheer and Ms. Anne Mathew, Advs.

versus

MR RAJESH KUMAR SINGH & ORS.Respondents

Through: Mr. C.A. Brijesh, Mr. Ritwik Sharma and Mr. Ishith Arora, Advs. for Sharad Mehra.
Ms. Manisha Agarwal Narain, CGSC, Mr. Siddhant Soni, Mr. Nipun Jain, Ms. Dimpi Vaid, Mr. Rishabh Dev, Advs.



13

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CONT.CAS(C) 813/2025

SHRI DEBASISH NARAYAN BOSE AND ORSPetitioners

Through: Mr. M.C. Dhingra, Sr. Adv., Mr. Tashriq Ahmad, Ms. Farzeen Iqbal, Mr. Gaurav Dhingra and Mr. Shashank Singh, Advs.

versus

SH RAJESH KUMAR SINGH, THE DEFENCE SECRETARY

.....Respondent

Through: Mr. C.A. Brijesh, Mr. Ritwik Sharma and Mr. Ishith Arora, Advs. for Sharad Mehra.
Ms. Manisha Agarwal Narain, CGSC, Mr. Siddhant Soni, Mr. Nipun Jain, Ms. Dimpri Vaid, Mr. Rishabh Dev, Advs.

CORAM:**HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petitions have been filed by the petitioners alleging wilful disobedience/non-compliance by the respondents with the directions contained in the judgment dated 14.10.2014 passed in W.P.(C) 4606/2013.

The operative directions therein are as under:

“26. The petitioners were treated historically as equals to CSS/CSSS employees and enjoyed equal pay and all benefits flowing from equal pay. This was based on the previous four instances of determinations by successive Pay Commissions that they performed equal work. No other evidence of "complete identity" of work was necessary in the circumstances of the case. The materials on the record do show that the Sixth CPC stated in more than one place specifically that historical parity in pay scales ought not to be disturbed. Such being the case, this Court is of the opinion that the CAT fell into error in holding that



differentiation was facially justified, and could not be gone into given the nature of restricted judicial review. Consequently, a direction is issued to the respondents to fix the members of the Petitioner Association and other similarly placed Assistants working in Ordnance Factories and in OFB in the same pay scale as was given to Assistants similarly placed in CSS/CSSS, Army Headquarters, UPSC, CAT, MEA, Ministry of Parliamentary Affairs, etc. with effect from the same date as was first given to them. Consequential pay fixation and fitment orders shall be issued within eight weeks from today. The writ petition is allowed in the above terms without any order as to costs.”

2. It can be seen that the sweep of the aforesaid terms covers not only the members of the petitioner association therein but also similarly placed persons, *inter alia*, Assistants working in Ordnance Factories and in OFB.

3. It transpires that the benefit of the aforesaid directions was not afforded to the petitioners, *inter alia*, Assistants working in Ordnance Factories and in OFB (headquarters), hence, the present petitions have been filed.

4. At the outset, it is noticed that *vide* order dated 30.03.2026 in certain identical matters (CONT. CAS(C) 1091/2024 and CONT. CAS(C) 31/2025), this Court has held as under:

“5. There is merit in the contention advanced by the petitioner that, in terms of the directions contained in paragraph – 26 of the judgment dated 14.10.2014, the pay scale of the Assistants/Personal Assistants working in Ordnance Factories and the OFB is required to be fixed at par with that of similarly placed Assistants in CSS/CSSS, AFHQ (Army Headquarters), the Railway Board, etc., alongwith all consequential benefits of pay fixation and fitment. Consequently, once such parity in pay scale was directed to be granted together with all the attendant benefits, the same is required to be maintained and continued throughout the course of service.”

5. The position that the benefit in terms of the aforesaid directions has to be extended to all similarly situated persons is evident from the overarching



terms in which the relief has been framed by the Court. The same also follows from various judgments of the Supreme Court.

6. In **Girish Mittal vs. Parvati V. Sundaram and Another**, (2019) 20 SCC 747, the Supreme Court, *inter alia*, observed as under:

“15. We do not agree with Mr Gupta that a contempt petition is maintainable only at the behest of a party to the judgment. The directions issued by this Court are general in nature and any violation of such directions would enable an aggrieved party to file a contempt petition. [Priya Gupta v. Ministry of Health & Family Welfare, (2013) 11 SCC 404 : (2014) 1 SCC (Civ) 534]”

7. In **Chairman/Managing Director, Uttar Pradesh Power Corporation Limited and Others vs. Ram Gopal**, (2021) 13 SCC 225, the Supreme Court has, *inter alia*, made the following observation:

“13. We may hasten to add that these principles may not, however, apply to judgments which are delivered in rem. The State and its instrumentalities are expected in such category of cases to themselves, extend the benefit of a judicial pronouncement to all similarly placed employees without forcing each person to individually knock the doors of courts. This distinction between operation of delay and laches to judgments delivered in rem and in personam, is lucidly captured in State of U.P. v. Arvind Kumar Srivastava [State of U.P. v. Arvind Kumar Srivastava, (2015) 1 SCC 347 : (2015) 1 SCC (L&S) 191] , laying down that : (SCC pp. 363-64, para 22)

“22.1. The normal rule is that when a particular set of employees is given relief by the court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.....



14. The order passed by the High Court for retention of Shyam Behari Lal in service, does not possess any ingredient of a judgment in rem. The abovecited exception, therefore, does not come to the respondent's rescue. It is also pertinent to mention that neither has it been pleaded nor is it apparent from the material on record that the respondent was unable to approach the court of law in time on account of any social or financial disability. Had such been the case, he ought to have availed free legal aid and should have ventilated his grievances in a timely manner. Instead, he seems to be under the assumption that the termination order is illegal, that he consequently has a right to be reinstated, and that he can agitate the same at his own sweet will. Neither of these three assumptions are true, as elaborated by us earlier.”

8. In **Lt. Col. Suprita Chandel vs. Union of India and Others**, (2024) SCC OnLine SC 3664, the Supreme Court, *inter alia*, observed as under:

“14. It is a well settled principle of law that where a citizen aggrieved by an action of the government department has approached the court and obtained a declaration of law in his/her favour, others similarly situated ought to be extended the benefit without the need for them to go to court. [See *Amrit Lal Berry v. Collector of Central Excise, New Delhi*, (1975) 4 SCC 714]

15. In *K.I. Shephard v. Union of India*, (1987) 4 SCC 431, this Court while reinforcing the above principle held as under:—

“19. The writ petitions and the appeals must succeed. We set aside the impugned judgments of the Single Judge and Division Bench of the Kerala High Court and direct that each of the three transferee banks should take over the excluded employees on the same terms and conditions of employment under the respective banking companies prior to amalgamation. The employees would be entitled to the benefit of continuity of service for all purposes including salary and perks throughout the period. We leave it open to the transferee banks to take such action as they consider proper against these employees in accordance with law. Some of the excluded employees have not come to court. There is no justification to penalise them for not having litigated. They too shall be entitled to the same benefits as the petitioners.”

(Emphasis Supplied)



16. No doubt, in exceptional cases where the court has expressly prohibited the extension of the benefit to those who have not approached the court till then or in cases where a grievance in personam is redressed, the matter may acquire a different dimension, and the department may be justified in denying the relief to an individual who claims the extension of the benefit of the said judgment.

17. That is not the situation here. In the submissions too, the respondents have not been able to point out any valid justification as to how the applicants who obtained the benefit from the AFT, Principal Bench in OA No. 111 of 2013 and batch are not identically situated with the appellant. Like the applicants who succeeded, the appellant was also ripe for the third chance before the amended para 4(a) of AI No. 37 of 1978 was introduced on 20.03.2013. The Principal Bench of the AFT in OA No. 111 of 2013 after clearly holding that the applicants therein were denied the third chance directed consideration of their cases for permanent absorption by granting one-time age relaxation by considering them under the unamended policy.

18. The respondent authorities on their own should have extended the benefit of the judgment of AFT, Principal Bench in OA No. 111 of 2013 and batch to the appellant. To illustrate, take the case of the valiant Indian soldiers bravely guarding the frontiers at Siachen or in other difficult terrain. Thoughts on conditions of service and job perquisites will be last in their mind. Will it be fair to tell them that they will not be given relief even if they are similarly situated, since the judgment they seek to rely on, was passed in the case of certain applicants alone who moved the court? We think that would be a very unfair scenario. Accepting the stand of the respondents in this case would result in this Court putting its imprimatur on an unreasonable stand adopted by the authorities.

19. The stand of the Department relying on the judgment of this Court in *State of Maharashtra v. Chandrakant Anant Kulkarni*, (1981) 4 SCC 130 to contend that mere reduction in chance of consideration did not result in deprivation of any right does not appeal to us. The appellant's case is founded on the principle of discrimination. What is sauce for the goose ought to be sauce for the gander. If the applicants in O.A. No. 111 of 2013 whom we find are identically situated to the appellant were found to be eligible to be given a third chance for promotion, because they acquired eligibility before the amendment to AI No. 37 of 1978 on 20.03.2013, we find no reason why the appellant should not be treated alike.



20. The order dated 13.03.2014 in the application for clarification of the AFT, Principal Bench, order of 22.01.2014 and the order dated 19.05.2014 in the review relied upon in the counter affidavit do not in any manner dilute the case of the appellant herein. In fact, the order dated 13.03.2014 fully supports the appellant since it extended the benefit to those persons who acquired the eligibility in 2013. As far as the order in review dated 19.05.2014 directing that there would be no dilution in the laid down criterion and the further direction that the order in review shall not form a precedent does not imply that the main order of 22.01.2014 of the Principal Bench, AFT, should not be extended to similarly situated individuals like the appellant, who has been knocking the doors for relief since September, 2014.”

9. A reading of the judgment dated 14.10.2014 also reveals that the rationale given therein is squarely applicable to the present set of petitioners. In particular, it is apposite to refer to the following observations in the said judgment:

“19. The Central Government’s first explanation for denial is that this is in terms authorized by Para 3.1.14 of the Sixth CPC recommendations. That is plainly incorrect, because that portion of the Sixth CPC merely indicated the replacement scales from the existing Rs.5000-8000/- to be Rs.6500-10,500/-. By the time this recommendation was accepted, Assistants in the CSS/CSSS were already enjoying the higher scale of Rs.6500-10,500/-. Even the CCS (Revised Pay) Rules, 2008 support this inference. Under Rule 3(1) of the said Rules, “existing basic pay” means “pay drawn in the prescribed existing scale of pay, including stagnation increment(s)”, but does not include any other type of pay like ‘special pay’, etc. Rule 3(2) on the other hand, prescribed “existing scale” in relation to a Government servant as “the present scale applicable to the post held by the Government servant... as on the 1st day of January..2026”. Rule 3(7) defined “revised pay structure” as one in relation to any post specified in column 2 of the First Schedule and meaning “the pay band and grade pay specified against that post or the pay scale specified in column 5 & 6” thereof, unless a different revised pay band and grade pay or pay scale is notified separately for that post”. Rule 11 prescribed the mode of fixation in pay after 01.01.2006. Part B of Section II of the First Schedule to the Rules specifically stated as follows:



“XXXXXXXXXXXXXXXXXX

“Sl.NO . (1)	Post (2)	Presen t scale (3)	Revised scale (4)	Corresponding Pay & Band		Para No of the Repor t (7)
				Pay Ban d (5)	Grade Pay (6)	
OFFICE STAFF IN THE SECRETARIAT *						
1.	Section Officer/ PS/ equivalen t	6500- 10500/ -	7500- 12000 8000- 13500 (On completi on of 4 years)	PB-2 PB-3	4800/- 5400/- (On completi on of 4 years)	3.1.9

* This scale shall be available only in such of those organizations/ services which have had a historical parity with CSS/CSSS. Services like AFHQSS/AFHQSSS/RBSS and Ministerial/Secretarial posts in Ministries/ Departments organisations like MEA, Ministry of Parliamentary Affairs, CVC, UPSC, etc. would therefore be covered..



OFFICE STAFF WORKING IN ORGANIZATIONS OUTSIDE THE SECRETARIAT						
1	Head Clerk/Assistants/Ste no Grade II/equivalent	4500- 7000/- - 5000- 8000/- -	6500- 10500 8000- 13500 (On completi n of 4 years)	PB -2	4200/- 5400/- (On completi n of 4 years)	3.1.1 4
2	Administrative Officer Grade II/Senior Private Secretary/equivalent	7500- 1200 0	7500- 12000 (entry grade for fresh recruits) 8000- 13000/- (On completi n of 4 years)	PB -2	4800/- 5400/- (On completi n of 4 years)	3.1.1 4

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The interest part of the above table is that but for the explanation it affords, the substantive part of the Rules are based on the replacement scales being in accordance with the ones indicated in Part A of the First Schedule – read with definition of “revised pay”. The scales indicated, under the First schedule are in the form of merger of four pay scales – Rs.4500-7000/-; Rs.5000-8000/-; 5500-9000/-; and Rs.6500-10,500/-. All are merged into one play scale, i.e. Rs.9300-34800/-. The Rules, as well as the Sixth CPC recommendations specifically talk of continuation of pay benefits on the basis of “historical parity”. As observed earlier, this historical parity is not denied; however, the explanation for denial of the benefit of upgradation – and the consequent placement is



higher pay scales, to employees in Ordnance Factories is that OFB employees are not specifically mentioned, as opposed to mention of other non-secretariat employees: “like AFHQSS/AFHQSSS/RBSS and Ministerial/Secretarial posts in Ministries/Departments organisations like MEA, Ministry of Parliamentary Affairs, CVC, UPSC, etc.”. This argument is both upersuasive and specious, because mention of specific department was meant only by way of illustration; else a contrary intention would have been clearer. That the mention of some, not all non-secretariat employees is illustrative and not exhaustive is clear from the qualifying terms – “like” and “etc.”. The allusion to historical parity with reference to only a few illustration was to encompass all those organizations where employees had identical pay scales and not merely those in enumerated departments or organizations. Any other interpretation would negate the whole intention of maintaining historical parity altogether.”

10. Learned counsel for the respondents seeks to oppose the present petitions, relying upon the following observations of the Supreme Court in **State of U.P. vs. Arvind Kumar Srivastava** (2015) 1 SCC 347:

“22.2 However, this principle is subject to well-recognised exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.”

11. In the present case, the aforesaid exception would not apply inasmuch as in light of the factual conspectus, and the nature of the directions contained in the judgment dated 14.10.2014 give rise to a continuing cause of action. Also, the petitioners have been diligently pursuing with the



respondents for the grant of similar dispensation as has been afforded to similarly situated persons.

12. Learned counsel for the respondents also seeks to resist the present petitions on the ground that with regard to the present petitioners, there was no historical pay parity in any of the previous Pay Commissions.

13. The said contention of the learned counsel for the respondents regarding the absence of any pay parity is negated by the reasoning and rationale given in the judgment dated 14.10.2014, particularly, the aforementioned observations in paragraph 19 thereof.

14. It is incumbent upon the respondents to uniformly apply their policy and extend identical treatment to all similarly situated persons. Any differential treatment cannot be countenanced, in view of the scope and import of the aforesaid judgment dated 14.10.2014.

15. In such a situation, it is incumbent on this Court to pass consequential orders. In **Anil Kumar Shahi v. Prof. Ram Sevak Yadav**, (2008) 14 SCC 115, the Supreme Court has observed as under:-

“50. It is by now well settled under the Act and under Article 129 of the Constitution of India that if it is alleged before this Court that a person has wilfully violated its order it can invoke its jurisdiction under the Act to enquire whether the allegation is true or not and if found to be true it can punish the offenders for having committed “civil contempt” and if need be, can pass consequential orders for enforcement of execution of the order, as the case may be, for violation of which, the proceeding for contempt was initiated. In other words, while exercising its power under the Act, it is not open to the Court to pass an order, which will materially add to or alter the order for alleged disobedience of which contempt jurisdiction was invoked. When the Court directs the authority to consider a matter in accordance with law, it means that the matter should be considered to the best of understanding by the authority and, therefore, a mere error of judgment with regard to the legal position cannot constitute



2026:DHC:4555



contempt of Court. There is no wilful disobedience if best efforts are made to comply with the order.”

16. In the circumstances, the respondents are directed to afford the same dispensation to the petitioners as has been afforded to Assistants in Ordnance Factories and in the Ordnance Factory Board Headquarters and to refrain from according differential treatment to similarly situated persons.

17. Let the necessary compliance be done by the respondents within a period of 12 weeks from today. Let a compliance affidavit be filed within a period of 8 weeks thereafter.

18. The present petitions stand disposed of in the above terms. Pending applications also stand disposed of.

19. It is made clear that in the event of non-compliance on the part of the respondents, the same shall be construed as egregious breach/wilful disobedience of the orders passed by this Court, entailing action under the Contempt of Courts Act, 1971. In such eventuality, the petitioners shall be at liberty to revive these petitions.

SACHIN DATTA, J

APRIL 28, 2026/at/sv