

GAHC010110382026



undefined

**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/2947/2026**

1: THE UNION OF INDIA AND 2 ORS. REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF RAILWAYS, NEW DELHI-110001.

2: NF RAILWAYS REPRESENTED BY THE GENERAL MANAGER N.F. RAILWAY MALIGAON P.O. MALIGAON DISTRICT- KAMRUP(M) ASSAM 781011

3: THE FINANCIAL ADVISER AND CHIEF ACCOUNTS OFFICER/CON N.F. RAILWAY MALIGAON GUWAHATI DISTRICT- KAMRUP(M) 781011

VERSUS

SRI DHIRENDRA KUMAR BARUAH  
SON OF LATE. BHOGRAM BARAUH, RESIDENT OF WEST BORAGAON  
RANGPUR P.O. DEVKOTA NAGAR DISTRICT- KAMRUP (M), ASSAM 781011.

**For the Petitioner(s)** : Mr. H. Gupta, Central Government Counsel.

**For the Respondent(s)** :

**- B E F O R E -**

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR**  
**HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

**08.06.2026**

*(Ashutosh Kumar, CJ)*

The order dated 26.08.2025 passed by the Central Administrative Tribunal, Guwahati Bench, Guwahati (*hereinafter to be referred as the "Tribunal"*) in Original Application No.88/2023 is under challenge by the Union of India and two others.

We have heard Mr. H. Gupta, learned Central Government counsel for the petitioners.

The respondent herein, a Railway employee belonging to the Accounts Cadre, had approached the Tribunal for grant of higher Grade Pay of Rs.5400/- in Pay Level-9 pursuant to the Railway Board's letter dated 21.06.2021, which was issued in the context of 7<sup>th</sup> Central Pay Commission's recommendation for non-functional financial upgradation.

The claim of the respondent was that he was entitled to such financial upgradation with arrears from 01.01.2016. The same was denied to him as the Railways was of the view that for him to be promoted to Level-9, he had to have the vigilance clearance but there was no vigilance clearance for a CBI case initiated against him.

A clarificatory letter of the Railway Board dated 01.12.2022 mandates that vigilance clearance is necessary for upgradation at Levels-8 & 9.

The Tribunal, vide the impugned order, held that such Circular of the Railways is not applicable to the case of the respondent for the reason of his belonging to the Accounts Cadre, which was not specifically mentioned in the afore-noted Circular. That apart, the denial of the claim of the respondent herein by an order dated 28.02.2022 by the Railway Administration was dubbed as non-speaking order by the Tribunal.

The Tribunal, therefore, directed the Railways to grant the upgraded pay of Rs.5400/- in Level-9 to the respondent along with all arrears and consequential benefits within a period of 6(six) weeks.

Let notice be issued to the sole respondent on steps being taken

by the petitioners within a period of 2(two) weeks by both modes, i.e. by Speed Post as well as by usual process, returnable on **02.09.2026**.

In the meantime, the operation of the impugned order dated 26.08.2025 passed by the Tribunal in Original Application No.88/2023, shall remain in abeyance.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**