



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

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*Judgment reserved on: 04.02.2026*  
*Judgment pronounced on: 01.07.2026*

+ **W.P.(C) 6723/2017**

ASHOK KUMAR YADAV & ORS. ....Petitioners  
Through: Mr Manish K Bishnoi with Mr  
Khubaib Shakeel, Advs.

versus

UNION OF INDIA & ORS. ....Respondents  
Through: Mr Jitendra Kumar Tripathi, Mr  
Sumit Kumar Raj & Mrs Anjali  
Dwivedi, Advs. for R-1.  
Mr. S.M. Arif with Ms.  
Shabnam Perween, Advs. for  
R-2 to R4.

+ **W.P.(C) 6744/2017**

GYANANDRA MUNI TYAGI & ORS. ....Petitioners  
Through: Mr Manish K Bishnoi with Mr  
Khubaib Shakeel, Advs.

versus

UNION OF INDIA & ORS. ....Respondents  
Through: Mr. S.M. Arif with Ms.  
Shabnam Perween, Advs. for  
R-2 to R4.

**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. W.P.(C) 6723/2017 is filed by the Petitioners against the order dated 01.04.2015 (hereafter '**impugned order dated 01.04.2015**') passed by the learned Central Administrative Tribunal, Principal Bench, Delhi in O.A. 1861/2014, whereby the learned Tribunal allowed the OA filed by the Petitioners and directed the Respondents to grant the benefit of higher scale of ₹5000-₹8000/- w.e.f. 01.01.1996 only on notional basis to the Petitioners.

2. W.P.(C) 6744/2017 is filed by the Petitioners against the order dated 24.05.2016 (hereafter '**impugned order dated 24.05.2016**') passed by the learned Tribunal in OA No. 1858/2015, whereby the learned Tribunal noting that the said OA was squarely covered by the order passed on 01.04.2015 in O.A. 1861/2014 (the same has also been challenged before this Court by way of the impugned order dated 01.04.2015) had directed the Respondents to grant the benefits of higher scale of ₹5000-8000 on notional basis to the Petitioners therein if similarly placed.

3. The Petitioners (66 in total) in the two writ petitions are stated to be working as Technicians/ Senior Technicians/Engineering Assistant working in Prasar Bharati. Although the respective Original Applications were allowed by the learned Tribunal after appreciating that Technicians and Sr. Technicians are to be treated at par with Lighting Assistants as far as pay is concerned, the Petitioners remain aggrieved by grant of benefits of higher scale only on notional basis without consequential relief of grant of arrears of pay.

### **Historical Backdrop**



4. Till the year 1983, there had been a parity in the pay scale of Technician and Senior Technician with that of Lighting Assistants. However, this pay parity was disturbed when various categories of Staff Artists of Doordarshan (which included Cameraman Grade-II, Sound Recordists and Lighting Assistants) approached the Hon'ble Apex Court and claimed parity in pay scale with their counterparts in Film Division. The Hon'ble Apex Court thereafter in the case of ***Y.K. Mehta and Others v. Union of India : 1988 (Supp) SCC 750***, by judgment dated 28.08.1988, directed that Lighting Assistants were to be given the pay scale in parity with their counterparts being Assistant Cameraman in the Film Division with effect from 01.12.1983. On that occasion, the Hon'ble Apex Court also deprecated the discrimination in pay and held that the Petitioners therein were entitled to substituted scales of pay and consequential benefits *including* arrears of pay.

5. Now, while the pay was revised for Lighting Assistants in the aftermath of the judgment of the Hon'ble Apex Court in ***Y.K. Mehta and Others v. Union of India (supra)*** and they were placed on parity with Assistant Cameraman, the same benefit was not extended to Technicians/Senior Technicians, who, prior to the judgment of the Hon'ble Apex Court, were always in pay parity with Lighting Assistants. So, while the pay of the Lighting Assistants was enhanced, the pay scale of Technicians/Senior Technicians was not revised and they continued to be in the lower pay scale. Consequently, several representations were given by the Technicians and Senior Technicians to the Respondents to extend pay parity to them at par with the



## Lighting Assistants.

6. Thereafter, pursuant to the constitution of Prasar Bharti, by Office Memorandum dated 05.12.1997, once again parity was restored and the pay scales of Technicians/Senior Technicians amongst other employees was upgraded and they were placed in the same pay scale as Lighting Assistants. However, this parity was only brought upon from 01.01.1996 and not from 01.12.1983 (as was given to the Lighting Assistants in accordance with the Hon'ble Apex Court judgment). According to the Technicians/Senior Technicians, by not extending pay parity to them for the period between 1983-1995 at par with the Lighting Assistants, the Respondents had discriminated against the Technicians/Senior Technicians. Consequently, the quest of the Technicians/Senior Technicians to seek pay parity for the years between 1983-1995 continued.

7. In that regard, the following litigations ensued:

7.1. OA No. 164/1996 was preferred by the Association of Radio & Television Engineering Employees before the learned Tribunal, Delhi demanding parity of pay between Technicians/ Senior Technicians and Lighting Assistants w.e.f. 01.12.1983, which was dismissed on the grounds of acquiescence. A writ petition was preferred against the said order before this Court, being W.P.(C) No. 3787/2000, and the same was also dismissed by order dated 08.07.2011. By order dated 27.04.2012, SLP (C) No. 14381/2012 filed against the said order dated 08.07.2011 was also dismissed by the Hon'ble Apex Court.



7.2. Another association of employees had filed OA No. 390/2006 before the Chennai Bench of the Tribunal claiming notional fixation of pay scale w.e.f. 01.07.1983 for Technicians/Senior Technicians at par with Lighting Assistants, which was also dismissed. However, while considering a challenge to the dismissal in W.P. No. 27155/2009, by order dated 24.11.2010, the Madras High Court, after noting that the petitioners therein were not claiming arrears, had granted benefit of notional fixation of pay scale from 01.07.1983 finding denial of such benefit without assigning any reasons to be violative of principles of natural justice. The Hon'ble Apex Court, by order dated 10.01.2013, dismissed the SLP (C) No. 33048/2011 filed against the said order by the Union and upheld the decision of the Madras High Court granting notional revision of pay.

8. Due to the inconsistency in the decisions which emanated from Delhi and Chennai proceedings, a Review Petition also came to be filed against the dismissal of SLP (C) No. 14381/2012 (whereby the Hon'ble Apex Court had upheld the denial of parity in pay to the Technicians/Senior Technicians in the Delhi proceedings). As similarly situated persons had been granted relief in terms of the order passed by the Madras High Court, the Hon'ble Apex Court recalled its earlier order dated 27.04.2012 and directed the Union of India to grant similar relief to the Petitioners therein in terms of the earlier order dated 10.01.2013 passed by the Hon'ble Apex Court thereby approving the direction given by the Madras High Court.

9. Thereafter, *vide* order dated 11.03.2014, the Union of India



implemented the directions and the Technicians/Senior Technicians were granted the benefit of notional fixation of pay at par with Lighting Assistants without payment of arrears for the period between 01.07.1983 – 31.12.1995. Quietus was thus put to the long quest of the Technicians/Senior Technicians and they achieved pay parity for the period between 1983-1995.

**Another spell of litigation pertaining to fixation of pay with effect from 01.01.1996**

10. The pay scales were further revised w.e.f. 01.01.1996, when the recommendations of the Fifth Pay Commission were implemented.

11. Now, as noted above, the Hon'ble Apex Court in the case of ***Y.K. Mehta and Others v. Union of India*** (*supra*) had already settled that Lighting Assistants were to be given the same pay scale as their counterpart in the Film Division being Assistant Cameraman. However, when the pay scales were revised, Lighting Assistants in Doordarshan were once again placed in a grade lower than Assistant Cameraman. *Inter alia*, aggrieved by the same, Lighting Assistants once again preferred W.P. (C) 6544/2007 before this Court. By judgment dated 15.12.2010, this Court directed UOI to extend the benefit of similar pay scale of ₹5000-8000/- (pre-revised) to the Lighting Assistants as given to Assistant Cameramen in the Film Division w.e.f. 01.01.1996 or their date of regularisation.

12. The benefit of upgradation of pay as granted to Lighting Assistants by the aforesaid decision was not extended to the



Technicians/Senior Technicians. Consequently, the subject O.A. 1861/2014 was filed. Although the said original application was allowed by the impugned order dated 01.04.2015, the learned Tribunal only directed the Respondents to grant the benefits of higher scale of ₹5000-8000/- with effect from 01.01.1996 only on *notional basis*. Review Application preferred against the said order also came to be dismissed noting that no prayer for arrears was made before the Hon'ble Madras High Court in WP No. 27155/2009 on the first occasion. Aggrieved by the same, the Petitioners have filed W.P.(C) 6723/2017.

13. Similarly, as noted above, W.P.(C) 6744/2017 is filed by the Petitioners against the order dated 24.05.2016 passed by the learned Tribunal in OA No. 1858/2015, which was disposed of in terms of the impugned order passed on 01.04.2015 in O.A. 1861/2014 [also in challenge before this Court].

### **Grievance of the Petitioners**

14. The limited grievance of the Petitioners herein is only that while the learned Tribunal appreciated that the Technicians/Senior Technicians are to be treated at par with the Lighting Assistants as far as the pay scale is concerned, the benefit of higher pay ₹5000-8000/- with effect from 01.01.1996 was only granted on a notional basis without any award of arrears.

### **Submissions**

15. The learned counsel for the Petitioners submitted that the



learned Tribunal erred in granting the benefits of higher scale of ₹5000-8000 w.e.f. 01.01.1996 only on notional basis to the Petitioners. He submitted that *vide* order dated 15.12.2010, this Court had directed revising the pay scale of Lighting Assistant to be kept at par with their counterpart in the Film Division being the Assistant Cameraman. He submitted that on this basis, revised pay scale of ₹5000-8000/- was granted to Lighting Assistants from the date of their regularisation or 01.01.1996. He relied upon the due and drawn statement of one of the Lighting Assistants to claim that the Lighting Assistants were also paid arrears of pay. He consequently submitted that the Petitioners herein also ought to be awarded arrears of pay with effect from 01.01.1996.

16. He submitted that on the earlier occasion when the pay was revised for the period between 1983-1995 in accordance with the implementation of the direction of the Hon'ble Apex Court in SLP (C) No. 33048/2011 to grant benefit of notional fixation of pay to the post of Technician and Senior Technician enhancing their pay scale at par with Lighting Assistants Grade I & II, no arrears were granted because the claimants therein had specifically pleaded that the concerned employees would not claim any arrears. He submitted that no cogent reason has been provided by the learned Tribunal in denying the arrears of pay to the Petitioners when the same has been specifically pleaded in the present case. He consequently prayed that the Petitioners be paid the arrears of pay.

17. *Per contra*, the learned counsel representing the Respondents



submitted that the impugned order is correct and does not warrant any interference by this Court. He submitted that on an earlier occasion as well the Hon'ble Apex Court in SLP No. 33048/2011 while dismissing the appeal preferred by the UOI had upheld the order passed by the Hon'ble Madras High Court whereby the Court had only extended the benefit of notional fixation of pay scale from 01.07.1983 without any award of arrears. He submitted that the claim of the Petitioners herein is thus without any merit.

### Analysis

18. Before this Court adverts to delve into the question presented for adjudication before it, it is pertinent to note that insofar as the question of parity of pay between Lighting Assistants and Technicians/Senior Technicians is concerned, the same has been duly considered and settled by the Hon'ble Apex Court while disposing of the SLP No. 33048/2011 preferred by UOI against the order dated 24.11.2010 passed by the Hon'ble Madras High Court, whereby pay scale of Technicians/Senior Technicians was notionally fixed at par with Lighting Assistants Grade I and II respectively from 01.07.1983 as they were being paid salary in identical pay scale before the said date. The Hon'ble Apex Court noted as follows in its judgment dated 10.01.2013:

*“Shri Rajiv Sharma, learned counsel for the petitioners argued that the High Court committed grave error by ordering notional revision of the pay scale of the Technicians at par with Lighting Assistants ignoring that the two cadres are distinct and separate and there is no similarity in the duties of the Technicians on the one hand and the Lighting Assistants on the other. However, he could not draw our*



*attention to any tangible evidence to substantiate the statement. Learned counsel also failed to explain the rationale of denial of parity in the matter of pay scales to the Technicians working in All India Radio and Doordarshan vis-à-vis Lighting Assistants Grade-II and Grade-I despite the fact that they were paid salary in the identical pay scale till 01.07.1983 and that parity was restored after a gap of about 13 years with effect from 01.01.1996. **In the absence of any cogent explanation for differentiating the two cadres in the matter of revision of pay scales, it is not possible to find any fault with the direction given by the Division Bench of the High Court. Rather, it must be held that by order revision of pay scales of the Technicians at par with the Lighting Assistants, the High Court has acted in consonance with the spirit of Articles 14 and 16 of the Constitution**"*  
(emphasis supplied)

19. Undisputedly, by Office Memorandum dated 05.12.1997, Technicians/Senior Technicians had been granted pay parity with Lighting Assistants w.e.f. 01.01.1996 and their earlier claims (both in Madras and in Delhi) were for parity for the period between 01.07.1983 – 31.12.1995. Pay parity was granted only on notional basis for the aforesaid period by the Madras Bench of the learned Tribunal, which relief was upheld by the Hon'ble Apex Court and subsequently extended to similarly situated persons.

20. The balance was again disturbed when by judgment dated 15.12.2010 in W.P.(C) 6544/2007, this Court revised the pay scale of Lighting Assistants and granted them the higher pay scale as given to Assistant Cameramen w.e.f. 01.01.1996 (date of implementation of recommendations of fifth pay commission) or their date of regularisation.

21. This disparity in pay scales from 1996 onwards was the subject of dispute before the learned Tribunal in O.A. 1861/2014 [W.P.(C) 6723/2017]. Taking note of the observations made by the Hon'ble



Apex Court as quoted *supra*, by the impugned order dated 01.04.2015, the learned Tribunal granted benefit of the higher pay scale on notional basis w.e.f. 01.01.1996 and noted as follows:

*“12. It is clear that matter has been settled at the level of the Hon’ble Supreme Court that Technicians and Sr. Technicians be treated at par with Lighting Assistants as far as their pay scales are concerned. Once this matter is settled, in our opinion, whether or not the applicants were or were not before the Hon’ble High Court in Writ Petition No.6544/2007 is not relevant. **The Hon’ble High Court had enhanced the scale of Lighting Assistant to Rs.5000/- to 8000/- and, therefore, following the judgment of the Hon’ble Supreme Court and Madras High Court this scale of Rs.5000-8000 cannot be denied to Technicians/Sr. Technicians. The OA is, therefore, allowed and the respondents are directed to grant the benefits of higher scale of Rs.5000-8000/- w.e.f. 01.01.1996 on notional basis to the applicants.**”*

(emphasis supplied)

22. The Review Application being RA 148/2015 in OA 1861/2014 also came to be dismissed by order dated 15.02.2016.

23. In a similar fashion, the learned Tribunal allowed the O.A. No. 1858/2015 filed by the Petitioners [W.P.(C) 6744/2017] by impugned order dated 24.05.2016 with the following directions:

*“In our opinion, since the issue had been raised in the OA in which the Tribunal has given a finding regarding fixing of the pay on notional basis and the RA had been also dismissed giving specific reasons as mentioned above, this OA is also squarely covered by our order dated 01.04.2015. **Therefore, this OA is also disposed of with a specific direction to the respondents to grant the benefits of higher scale of Rs.5000-8000 on notional basis w.e.f. 01.01.1996 to the applicants in this OA, if they are similarly placed as the applicants in OA No. 1861/2014.**”*

(emphasis supplied)

24. Pertinently, the Respondents have not challenged the finding of the learned Tribunal in the impugned orders that the Technicians and Senior Technicians are to be treated at par with Lighting Assistants



insofar as their pay scales are concerned or the notional fixation of pay.

25. The Petitioners have now approached this Court with a limited grievance that the Petitioners also be granted arrears of pay. The short question before this Court is only as to whether the Petitioners are entitled to retrospective fixation of pay along with consequential relief of grant of arrears of pay.

26. In this respect, the sole argument agitated by the Respondents is that when the pay scale of the Technicians and Senior Technicians had been enhanced on an earlier occasion in terms of the direction of the Hon'ble Apex Court in SLP No. 33048/2011 for the period between 1983-1995, only notional pay fixation was granted and no arrears were awarded to the concerned employees. It has thus been emphasised that any claim for arrears on this occasion as well is without any merit.

27. In that regard, it is pertinent to note that on an earlier occasion, the Hon'ble Madras High Court *vide* order dated 24.11.2010 in Writ Petition No. 27155/2009 had allowed the claim of the concerned employees (Technicians and Senior Technicians) of notional fixation of pay scale with effect from 01.07.1983 being weighed by the submission that the petitioners therein were not claiming any arrears. It was noted as under:

*“In the above facts and circumstances, as the counsel for the petitioners, after instructions, submitted that the petitioners are not claiming any arrears, we consider it appropriate that extending the benefit notional fixation of pay scale to the petitioners from 01.07.1983 is sufficient. Accordingly, the order dated 10.07.2008 in O.A. No. 390 of 2006 passed by the Central*



*Administrative Tribunal is set aside. The respondents are directed to extend the benefit of notional fixation of pay scale with effect from 01.07.1983, conferred on the post Transmission Executive, as evident from paragraph No.2(iv) of the order dated 25.02.1999, to the petitioners also, within a period of eight weeks from the date of receipt of a copy of this order, without awarding any arrears, from 01.07.1983.”*

(emphasis supplied)

28. The Hon’ble Apex Court while considering a challenge to the said order in SLP No. 33048/2011 had also taken note of the fact that the concerned employees were not claiming arrears. It was noted as under:

*“The Division Bench of the High Court then took cognizance of the statement made by the counsel for respondent No. 1 that the concerned employees will not claim arrears and directed that their pay scales be revised notionally with effect from 01.07.1983.”*

29. Upon a careful examination of the observations as quoted *supra*, it is apparent that the concerned employees therein were only extended the benefit of notional fixation of pay without the award of arrears for the period between 1983-1995 considering the peculiar factual concessions made on that occasion.

30. As quoted above, on that occasion, the Hon’ble Apex Court had specifically taken note of the fact that the Division Bench of the High Court had taken cognizance of the categorical submission of the counsel that the concerned employees would not be claiming arrears and had thus directed that the pay scale be revised notionally with effect from 01.07.1983. It was in this specific backdrop that the relief was confined to only notional fixation of pay. Consequently, in the



opinion of this Court, mere non-payment of arrears on an earlier occasion cannot *ipso facto* crystallise into an immutable rule.

31. Reliance was sought to be placed by the Petitioners on the decision of the Madras Bench of the Tribunal in O.A. 310/01667/2015 titled ***R. Varadharajan and Ors. v. Union of India & Ors.*** where higher pay grade was awarded along with consequential benefits to similarly placed applicants, however, as pointed out by the Respondents, the said decision is under challenge before the High Court of Madras. Perusal of the order of the Tribunal in that case also reflects that though the decision was based on the observations in impugned order dated 01.04.2015, no particular reason was given therein for differing from the Principal Bench and granting consequential benefits instead of awarding the higher pay grade on notional basis.

32. Even so, though scope of judicial review in matters pertaining to determination of pay scale is limited as the same involves complex considerations, including fiscal feasibility, the present case is one where it has already been settled that Technicians/ Senior Technicians and Lighting Assistants are at par as far as their pay scale is concerned since there is *no cogent explanation* for differentiating between them. Once there is no dispute in relation to parity of pay scales between the two cadres, the benefit of the enhancement of the pay to ₹5000-8000/- from 01.01.1996 cannot be denied to the Petitioners herein, especially when such benefit has since been extended by the Respondents to the Lighting Assistants.



33. Despite sufficient opportunity, it has not been contested by the Respondents that the Lighting Assistants were not paid the arrears of pay upon the enhancement of their pay scale. Furthermore, a “due and drawn” statement of one Lighting Assistant showing arrear payment has also been relied upon the Petitioners. When such arrears on refixation of pay appear to have been paid to the Lighting Assistants, this Court is persuaded that benefit of retrospective fixation of pay along with ensuing arrears ought not to be unjustifiably denied to the Petitioners either.

34. When the aim is to restore parity in pay scales and no waiver/relinquishment of arrears of pay has been pleaded, the Petitioners cannot be deprived of the benefit of consequential benefits that flow from such restoration. Depriving the Petitioners from grant of arrears entirely will be manifestly unjust.

35. There are sufficient precedents which support the course of restoring parity in pay scales of similarly placed categories by awarding benefit of higher pay scale from the *same date* from when the parity is disturbed. In this regard, reference can be made to the case of ***Union of India & Ors. v. D.G.O.F. Employees Association and Anr.: 2023 INSC 995*** where the Hon’ble Apex Court was dealing with a challenge to grant of higher pay scales to Assistants and Personal Assistants of Ordnance Factory Board, Headquarters as had been given to similarly placed employees of Central Secretariat Service and equivalent posts in Armed Force Headquarters Civil Service Cadre, New Delhi. The High Court had directed the Union



authorities to upgrade the pay scale of the Assistants working in Ordnance Factories *from the same date* as their similarly placed counterparts with consequential pay fixation. The Hon'ble Apex Court upheld the said decision on finding that the High Court had merely rectified the error on noting discrimination despite historical similarity.

36. In *Union of India & Ors v. Sanjoy Kor and Ors and connected matters* : **2025:DHC:10661-DB**, although the core issue was different, another Division Bench of this Court was specifically dealing with challenge to grant of arrears of upgraded pay scales w.e.f. 01.01.1996 by the Tribunal. In that case, dispute arose due to anomalies in implementation of recommendations of 5<sup>th</sup> CPC wherein the Accounts Department was not given pay structure commensurate with similarly placed staff. Revised pay scale was only notionally granted from 01.01.1996 and effective date of grant of higher scale was determined to be 19.02.2003 (when the proposal for allotment of improved pay was approved). This was set aside by the Tribunal which granted upgraded pay on actual basis w.e.f. 01.01.1996. The Court dismissed the petitions after observing that several litigations had been instituted in this regard where multiple Courts had consistently held that grant of only notional benefits from 01.01.1996 with actual monetary benefits being granted from 19.02.2003 was discriminatory as other categories of employees had been granted appropriate pay scales from 01.01.1996 itself.

37. It is however imperative to note that Courts have also resorted



to restricting the grant of arrears to a specific period in some instances. In *Y.K. Mehta and Others v. Union of India* (*supra*) itself, when the Hon'ble Apex Court intervened to restore parity in pay scales of different cadres which had previously received equal treatment, such pay scales were granted with effect from the first day of the month of the year in which the respective writ petition was filed. The only exception was carved out in the petition pertaining to the Lighting Assistants [that is, Writ Petition (C) No. 1756/1986] who were awarded benefit of the higher pay scale with effect from 01.12.1983. The Hon'ble Apex Court was of the opinion that the aforesaid relief would satisfy the ends of justice.

38. In the present case, considering that Lighting Assistants have been granted the benefit of higher pay scale from 01.01.1996 itself and that the Petitioners approached the Tribunal promptly (after Supreme Court recalled its earlier order wherein it had denied parity in pay to the Technicians/Senior Technicians in the Delhi proceedings), this Court is of the opinion that there is no cause to grant higher pay scale to the eligible Petitioners from a prospective date.

39. The Respondents are therefore directed to extend the benefit of pay scale of ₹5000-8000 to the eligible Petitioners from the same date as was given to the Lighting Assistants (that is, 01.01.1996) along with consequential benefits arising out of such pay fixation, including the arrears of pay within a period of 3 months from the date of this judgment.



2026:DHC:5236-DB



40. The present writ petitions are allowed in the aforesaid terms.
41. A copy of the judgment be placed in both the matters.

**AMIT MAHAJAN, J.**

**ANIL KSHETARPAL, J.**

**JULY 1, 2026**  
**“SK”**