



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.6388 of 2020 (O&M)
Date of Decision: 07.05.2025**

The Director General, All India Radio and others

.....Petitioners.

Versus

Tarsem Nath Kaushal and others

.....Respondents.

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Praveen Chander Goyal, Advocate
for the petitioners.

Mr. Rishav Sharma, Advocate
for respondents No.1 and 3 to 12.

Ms. Sangeeta Dhanda, Advocate
for respondent No.2.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The Director Generals, All India Radio as well as Doordarshan have approached this Court assailing the order dated 28.11.2019 passed by the Central Administrative Tribunal, Chandigarh (for short 'the CAT'), whereby the CAT found that the Direct Recruits-Programme Executives (here-in-after to be referred as 'the DR-PEXs') and the persons who are holding the posts of Transmission Executives (here-in-after to be referred as 'the TREXs') and some of them were further promoted to the post of Programme Executives (here-in-after to be referred as 'the PEXs') were initially required to be given the stepping-up and once



the said stepping-up has already been granted to them after the recommendations of the Pay Anomaly Committee and in terms of the Administrative Instructions dated 21.05.2004, it has reached to the conclusion that there was no occasion to reduce the pay and held the stepping-up was not applicable.

2. Brief facts which need to be noticed for the purpose of adjudication of the present petition are that the DR-PEXs were placed in the pay-scale of Rs.2000-3500 in the 4th CPC while the TREXs were in the pay-scale of Rs.1400-2660 and on promotion, they were to be given the pay-scale of Rs.2000-3200. In the 5th CPC, the pay-scales of TREXs were fixed as Rs.5000-8000 and one common scale was given to both promotee PEXs and DR-PEXs, i.e Rs.6500-10500. The PEXs under the Normal Replacement Scale, as recommended by the 5th CPC, were fixed in the pay-scales of Rs.6500-10500 and the TREXs (lower post) were at Rs.5000-8000 and in terms of the Scales, as prescribed under the order dated 25.02.1999 when the pay-scales were upgraded, the pay-scales of PEXs were fixed at Rs.7500-12000 while the TREXs were fixed at Rs.6500-10500. The notional upgradation of the higher pay-scales was made w.e.f. 01.01.1978. Resultantly, the DR-PEXs were placed in a situation where they were taking salary lower than the promotee TREXs as the promotee TREXs on upgradation were granted pay-scales from an earlier date.

3. The CAT reached to the conclusion that it was not a case of fixation of salary in the normal course under the revised Pay-Scales Rules and the provisions of FR-22 would have no application and found that the anomaly had occurred on account of upgradation of pay-scales. Vide order



dated 25.02.1999 which resulted in the upgradation of the pay-scales of the TREXs and on promotion of such TREXs to the posts of the PEX, they started getting higher salary in the pay-scales of Rs.7500-12000. The DR-PEXs preferred the O.A. before the Principal Bench of the CAT and the Principal Bench passed an order dated 27.09.2002 constituting the Anomaly Committee of Senior Level Officers to examine the case and it is under the said recommendations of the Anomaly Committee that the orders were passed removing the pay anomaly vide Circular dated 20.08.2004 and the salary fixation was stepped-up to the same stage as that of their junior promotee PEXs. After the passage of almost ten years, the decision was taken holding such stepping-up to be unjustified and the orders were passed reducing the pay and also making recoveries.

4. The O.A. was filed before the CAT and after considering the judgments passed by the Hon'ble Supreme Court in the cases of ***B.D. Gupta Vs. State of Haryana*** [(1973) (3) SCC 149], ***Shiv Kumar Goyal Vs. State of Haryana and another*** [2007(1) SCT 739] and ***Prakash Rattan Sinha Vs. State of Bihar and others*** [2009 (9) SCALE 529], vide the impugned order dated 28.11.2019, the CAT found the action to be unjustified and proceeded to hold the stepping-up to be in accordance with law and observed as under:-

“The scale of PEX as of 1.1.1986 was Rs.2000-3500. Thus, as per these upgradations, TREX in scale of Rs.2000-3200 (granted w.e.f 1.1.1986), were being promoted to PEX in the scale of Rs.2000-3500 scale, before fixation as per 5th CPC w.e.f. 01.01.1996. Promotion between these two scales, for certain other



categories was marked as illusory by the 5th CPC. In this context, observations made by 5th CPC for these two scales in para 43.5 of their report needs to be recalled which is as follows:-

“These are identical scales but for difference in span. In many offices, persons were being promoted from Rs.2000-3200 (Group ‘C’ scale) to Rs.2000-3500 (Group ‘B’ scale). This was an illusory promotion.”

It is in keeping with this fact that the 5th CPC recommended a common replacement scale for both these two pay scales as Rs.6500-10,500 (para 2.1 supra).

What this means is that the historical relativity between TREX and PEX got almost completely obliterated leading to the anomalous situation of a senior DR-PEX getting much lesser pay vis-à-vis his junior PQ-PEX. The respondents tried to address the situation while issuing letter dated 25.02.1999 granting higher pay scales to entire cadre of both TREX and PEX which is even beyond what was approved by the Government as 5th CPC recommendations (Para No.2 supra).”

5. In view of the above, the CAT held the action of the writ-petitioners in making a turnaround as unjustified and further observed as under:-

“Reason is that anomaly existed as it was recognized by the Tribunal and directions were issued to resolve it and in follow up Anomaly Committee was appointed and they made certain recommendations. Since the problem was still not resolved, it was



resolved by administrative instructions issued by the Ministry of I&B which were complied with. Nullifying this entire process at this stage, after almost a decade, is not permissible. Taking recourse to such administrative instructions if underlying conditions are fulfilled, has been upheld by Tribunal in OA No.4590/2017 (Para No.15 supra).

24. Further, there has been no misrepresentation whatsoever by the applicants in seeking stepping up. It was as a result of judicial pronouncements that a mechanism was set up to examine the entire issue with a view to resolve the anomaly and when the said mechanism was unable to resolve, administrative instructions were issued by the Administrative Ministry which decided certain course of action leading to stepping up of pay of direct recruit PEX. Accordingly, the pay cannot be reduced now and recovery effected.”

6. Learned counsel for the petitioners submits that the decision was taken on the basis of the Report submitted by the Committee to the Directorate on 28.08.2014. He invites our attention to the order dated 07.04.2015 passed by the Director General, All India Radio, wherein it was held that since the benefit given to the junior promotee PREXs was on account of upgradation of their salary, the stepping-up of their seniors was not required to be done. He submits that the Report specifically held as under:-

“FR 22 FID (23) (2) (e), where a person is promoted from lower to a higher post, his pay is fixed with reference to the pay drawn by him in the lower



post under FR 22-C and he is likely to get more pay than a direct appointee whose pay is fixed under different set of rules. For example, a UDC on promotion to the post of Assistant gets his pay fixed under FR-22-C with reference to the pay drawn in the post of UDC, whereas the pay of Assistant (DR) is fixed normally at the minimum under FR-22-B(2). In such cases, the senior direct recruit cannot claim pay parity with the junior promoted from a lower post to higher post as seniority alone is not a criteria for allowing stepping up.”

7. We have carefully considered these aspects and also considered the judgments of the Apex Court (*supra*).

8. Learned counsel for the petitioners further submits that the CAT has erred in setting-aside the order of withdrawing the stepping-up wrongfully.

9. However, as we noticed in detail, the example as cited by the Committee in the Report dated 28.08.2014 has no application to the present facts. The junior promotee PREXs had started getting higher salary in the same pay-scale as was being drawn by the DR-PREXs only because of their upgradation. In the event of upgradation of one set of employees affecting the salary of the other set, who are admittedly seniors, the principle of stepping-up, as per the rules, would apply. In terms of the F.R. 22 GID (18), the scale of pay of the lower and higher post in which they are entitled to draw, should be identical.

10. In the present case, it is the DR-PREXs, who were drawing the same pay-scales as that of the promotees from an earlier period. Merely



because the promotee PEXs started getting the same pay-scales which was already being given to the DR-PREXs (on account of upgradation of their pay-scales on the lower post of TREXs), if the salary being drawn by them is found to be higher than their erstwhile seniors, the same has to be placed equally and stepping-up as granted by the Pay Anomaly Committee on 20.08.2004 cannot be said to be wrongful or illegal. The review of such an order after a period of ten years by the Committee with the purpose to withdraw the pay-scale already granted would be otherwise also unjustified. The decision taken by the CAT holding that the pay of the senior DR-PREXs cannot be reduced, therefore, does not warrant any interference. In these circumstances, the recovery, if any, made from them also deserves to be refunded. The direction issued in this respect by the CAT also does not warrant any interference.

11. The instant writ petition, accordingly, fails and the same is hereby dismissed.

12. Pending civil misc. applications also stand disposed of.

13. The implementation of the order may be done at the earliest.

We expect that the same shall be complied within a period of two months from today.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

May 07, 2025
Yag Dutt

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No