

\$~06.

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

+ W.P.(C) 6485/2015

% *Judgment dated 10th July, 2015*

UOI AND ANR

..... Petitioners

Through : Mr.Puneet Agrawal, Adv.

versus

AJAY KUJUR

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. Present petition has been filed by petitioners under Article 226 of the Constitution of India seeking a direction to set aside the order dated 24.11.2014 passed by Principal Bench, Central Administrative Tribunal (hereinafter referred to as 'the Tribunal', in O.A.No.1340/2013, whereby the O.A. filed by the respondent herein was allowed and the petitioners were directed to give the respondent one more opportunity to exercise the option of availing MACP benefit from the date of increment.
2. The brief facts, as noticed by the learned Tribunal, are that the respondent was appointed in the Railways as E&RC. On completion of ten years of service, the petitioner was granted benefit of first MACP on 28.11.2011, however, when the pay slip was issued to the respondent in the month of July, 2012, he found that his pay had been wrongly fixed. Accordingly, he submitted a representation on 12.10.2012 against his wrong fixation of pay to the petitioners. Since no response was received to the

representation, he issued a reminder on 7.11.2012. The representation made by the respondent herein was rejected by the petitioners vide order dated 23.10.2012.

3. Aggrieved by the decision taken by the petitioners vide order dated 23.10.2012, the respondent approached the Central Administrative Tribunal.
4. The representation of the respondent was rejected as according to the petitioners, the respondent had not opted for his pay as per PS No.7937/13500/22 within a period of one month.
5. According to the respondent the stand taken by him before the Tribunal was that no communication informing him to opt within a period of one month was either addressed to him or received by him.
6. The Tribunal has reached a conclusion that the petitioners herein have taken a rather harsh view of the matter and, thus, allowed the Original Application filed by the respondent.
7. We find no illegality in the impugned order passed by the Tribunal, which would call for interference in the proceedings under Article 226 of the Constitution of India. This writ petition is without any merit and the same is accordingly dismissed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 10, 2015

msr