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

+ LPA 547/2016

MADAN LAL (EC NO. 0984)

..... Appellant

Through Mr. Som Dutt Sharma, Advocate.

versus

M/S DELHI STATE CIVIL SUPPLIES CORPORATION LIMITED

..... Respondent

Through Ms. Jyoti Juneja, Advocate for GNCTD.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

05.10.2016

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After some hearing, learned counsel for the appellant states that he would only press the issue in prayer clause (iv), which is to the following effect:-

“iv) to grant financial upgradation to the petitioner in the scale applicable to Assistant Manager w.e.f 1997 i.e. after taking to account (08) eight years in AG-II w.e.f. 17.3.1989 and pay arrears accrued to the petitioner with 15% interest thereon;”

2. Counsel submits that the appellant was entitled to financial upgradation after eight years in 1998 even treating the date of promotion on 27th December, 1990. He has drawn our attention to paragraph 31 of the

writ petition, which is as under:-

“31. That as a consequence to the promotion of immediate junior of the petitioner, earlier in the time the junior was granted upgradation in the year 1998 on completion of eight year service in AG-II. The petitioner, however, was ignored on the ground that he was promoted from a later date. Thus, the petitioner is also suffering the loss of pay because he was not considered for upgradation.”

3. He submits that the appellant was never granted financial upgradation at any point of time subsequently till today. This he submits would be a continuing cause of action and at best the Court may restrict the arrears.

4. Learned counsel for the appellant seeks permission to withdraw the present appeal with liberty to approach the single Judge by way of review application, limited to the aforesaid aspect. Without expressing any opinion, we permit the appellant to withdraw the present appeal. If any review application is filed confined to the aforesaid aspect, the learned single Judge will bestow consideration as per law.

The appeal is dismissed as withdrawn with liberty as prayed for.

SANJIV KHANNA, J.

SUNITA GUPTA, J.

**OCTOBER 05, 2016
VKR**