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

+ W.P.(C) 11578/2015 & CM Nos.30673/2015, 30677/2015 &
6429/2016

UNION OF INDIA AND ORS. Petitioners

Through: Mr. Ruchir Mishra, Advocate

versus

VIJAY KUMAR AND ORS Respondents

Through: Mr. Ankur Chibber, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **22.04.2016**

The issue in question is covered by the decision of this Court in WP(C) No.692/2012 titled *Union of India & Ors. v. Jatadhar Singh & Ors.* decided on 8.7.2013. This decision observes that the post of Lift Attendant was re-designated as Lift Operator. Further, that the post of Lift Mechanic (Skill), re-designated as Fitter General(Mechanic) by order dated 6.7.1994, was a promotional post.

It is also noticeable that the petitioner had granted first financial upgradation to the respondent in the pay scale of Rs.4,000-6,000/-, which is the pay scale payable on promotion to the post of Fitter General (Mechanic). The upgradation/promotional pay scale was paid to the respondent with effect from 30.6.2005. As the petitioners themselves had granted the said promotional pay scale of Fitter General (Mechanic) to the respondent, we do not find any merit in the contention that the post of Fitter General (Mechanic) was not the promotional post in the hierarchy.

The petitioner had preferred a Special Leave Petition (C) No.1720/2014 against the decision in *Jatadhar Singh & Ors.(supra)*, but the leave to appeal was dismissed.

In WP(C) No.1811/2015 titled *Hira Singh & Ors. V. Union of India & Ors.* decided on 4.12.2015, another Division Bench of this Court reversed the decision of the Tribunal and had applied and affirmed the decision in the case of *Jatadhar Singh & Ors.(supra)*.

In view of the aforesaid factual and legal position, we dismiss the present writ petition. CM Nos.30673/2015, 30677/2015 & 6429/2016 will be accordingly treated as disposed off.

SANJIV KHANNA, J

NAJMI WAZIRI, J

APRIL 22, 2016

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