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

+ **W.P.(C) 8/2016**

ARJUN DASS & ORS

..... Petitioners

Through : Ms. Saahila Lamba, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Through: : Mr. J.K. Singh, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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09.03.2016

1. The four petitioners in this case were initially appointed on the post of “Rakshak” in the Railway Protection Force, which was redesignated as “Constable”, and they were promoted to higher ranks in due course of time. The petitioner No.1 and petitioner no. 4 had retired from the post of SI on 3.4.2015 and 30.9.2013 respectively and the petitioners No.2 & 3 are continuing to work on the post of SI with the respondents.

2. The grievance of the petitioners is that due to the faulty implementation of the ACP Scheme, their pay fixation was done by the respondents at a lesser scale as compared to their juniors, who had not qualified in the limited departmental competitive examination held for the post of Head Constable, but they had been promoted as Assistant Sub Inspectors and Sub Inspectors upon clearing the limited departmental competitive examination subsequently.

3. Learned counsel for the petitioners submits that identical grievance was raised by the petitioners in **WP(C)No.5867/2003** entitled 'T.S. Dagar & Ors. vs. UOI & Ors.' which was decided on 7.12.2009, followed by judgment dated 03.1.2014 in **WP(C)No.7840/2012** entitled 'Tejbir Singh Dagar & Ors. vs. UOI & Ors.' and **WP(C)No.8826/2014** entitled 'Yudhister Mudgal & Ors. vs. UOI & Ors.' decided on 6.4.2015. Aggrieved by the judgment delivered in the case of T.S. Dagar (supra), the Union of India had preferred a SLP before the Supreme Court, which was dismissed on 12.5.2010.

4. Learned counsel for the petitioners submits that the principle of law declared in the case of T.S. Dagar (supra) having attained finality, the petitioners herein are entitled to the same relief as granted to the similarly placed personnel in the cases referred to herein above.

5. On a perusal of the writ petition, it transpires that prior to filing the present petition, the petitioners had submitted individual representations ventilating their grievances before the respondents (Annexure-P-6 (colly)), but they did not take any decision thereon, thus compelling them to file the present petition.

6. Having regard to the fact that the legal position now stands settled in view of the judgment in the case of T.S. Dagar (supra), the present petition is disposed of with liberty granted to the petitioners to file a joint representation within two weeks, which shall be considered and decided by the respondents in the light of the law laid down in the decisions referred to herein above, by passing a speaking order under written intimation to the petitioners within six weeks from the date of receipt of the said representation.

7. If the grievance of the petitioners still survives, they shall be entitled to seek their remedies in accordance with law.
8. The writ petition is disposed of.

HIMA KOHLI, J

SUNIL GAUR, J

MARCH 09, 2016

sk/ap

