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

+ W.P.(C) 8955/2017

NARAIN SINGH

..... Petitioner

Through: Mr. Padma Kumar S. & Mr. Krishna
Kumar Mishra, Advocates.

versus

DIRECTOR EMPLOYMENT

GOVT OF NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Devesh Singh, ASC and
Ms. Neelam Kholiya, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

16.10.2017

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C.M. No. 36631/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

C.M. No. 36630/2017

By this application, the petitioner wishes to place on record additional documents.

For the reasons stated in the application, the same is allowed.

W.P.(C) 8955/2017

The petitioner has assailed the order dated 18.02.2016 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No.4210/2014. The Tribunal has dismissed the said Original Application of the petitioner, wherein he had sought upgradation of his pay

with respect to one of his junior Mr. R.L. Khurana.

On a reading of the impugned order, it cannot be disputed that the Tribunal has not considered the claim of the petitioner by taking into account all the relevant facts & circumstances which were narrated by the petitioner in his Original Application and particularly in his rejoinder.

The Tribunal has proceeded on the basis that the petitioner had joined an ex-cadre post of Inspector Grade-II with effect from 27.08.1969. What has been missed out is that the executive cadre – to which the petitioner was recruited, got merged with the ministerial cadre. The Tribunal has also not appreciated the position that the respondent had invoked Rule 7(2) of the Revised Pay Rules, 1997 in the case of Mr. R.L. Khurana, while not applying the same to the case of the petitioner. Admittedly, the petitioner is senior to Mr. R.L. Khurana.

Since these facts emerge from the record and cannot be disputed, we are of the view that the reasoning contained in paragraph 5 of the impugned order cannot be sustained in view of the facts of the case. Accordingly, we set aside the impugned order and remand the matter back to the Tribunal for re-consideration on merits.

The parties shall appear before the Tribunal on 22.11.2017. In the meantime, the petitioner is granted liberty to file an additional affidavit before the Tribunal in view of the additional documents filed.

VIPIN SANGHI, J

REKHA PALLI, J

OCTOBER 16, 2017

B.S. Rohella