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

+ W.P.(C) 8575/2017

UNION OF INDIA AND ORS

..... Petitioners

Through: Ms. Rashmi Malhotra &
Mr.Himanshu Kaushik, Advocates.

versus

S K AGGARWAL

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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25.09.2017

C.M. No. 35274/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 8575/2017 and C.M. No. 35273/2017

The Union of India has assailed the order dated 07.02.2017 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No.1447/2013.

The Tribunal had allowed the said Original Application preferred by the respondent by holding that the restructuring of the pay scale cannot amount to promotion. The impugned show-cause notice dated 25.03.2013 issued to the respondent stating that the benefit of MACP in Grade Pay

Rs.4800 and Rs.5400 were erroneously granted to the respondent, was quashed by the Tribunal and the petitioner was directed to ignore the promotion granted to the respondent from the post of Sub-Overseer Mistry (SOM) to IOW/III/JE/Works in the same pay scale for the purpose of granting benefits of MACP with all consequential benefits.

The Tribunal while allowing the said Original Application relied upon its earlier order dated 01.09.2016 passed in O.A. No. 1386/2013 titled ***Javed Ahmed & Others Vs. Union of India through General Manager (Northern Railway) & Others***. The Union of India assailed the order passed in the case of ***Javed Ahmed*** (supra) before this Court by filing W.P. (C.) No.10995/2016. The said writ petition was dismissed on 21.11.2016 by a Division Bench of this Court. The review petition preferred by the petitioner being RA No.98/2017 was also rejected by the Court on 21.07.2017.

That being the position, we are not inclined to interfere with the impugned order since this Court has already affirmed the view taken by the Tribunal in the said case.

Dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

SEPTEMBER 25, 2017

B.S. Rohella