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

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W.P.(C) 796/2016

SURENDRA SINGH NEGI

..... Petitioner

Through: Mr. P.S. Khare and Mr. H.P.  
Chakravarti, Advs.

versus

NATIONAL COMMISSION FOR MINORITIES

& ANR

..... Respondents

Through: Mr. Amrit Pal Singh, Adv. for R1.

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

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**11.09.2017**

The present petition has been filed by the petitioner with the following prayers:

*“In the premises aforesaid it is respectfully prayed that the Hon’ble Court may most graciously be pleased to:*

*(i) issue an order or direction or writ in the nature of **mandamus** whereby commanding the respondents to grant the GP Rs.5,400/- in PB III to Rs.15,600 – 39,100 for all purposes and difference of arrears of pay and allowances with consequential increments for the period from 11.08.2010 to 31.07.2013 and retirement benefits from 01.08.2013 onwards from GP Rs.4,800/- in PB-II Rs.9,300 – 34,800/- to GP Rs.5400/- in PB III to Rs.15,600 – 39100 as a result of holding the post of Administrative Officer in Group ‘A’ in the National Commission for Minorities and discharging the duties of this post physically, constructively, actually and factually; and*

*(ii) issue any other or further order or direction or writ in the*

*appropriate nature as per the facts and circumstances of the case, besides the cost and expenses of the present litigation to the extent of Rs.55,000/-.”*

The facts are, the petitioner on his repatriation from Directorate of Extension, Ministry of Agriculture to the National Commission for Minorities was posted as Administrative Officer on *ad hoc* basis. The said appointment continued till June 27, 2013 when the petitioner on the recommendation of the Selection Committee was granted promotion to the said post on regular basis in the Pay Band-III of Rs.15,600 – Rs.39,100/- with grade pay of Rs.5,400/- w.e.f from the said date.

The petitioner retired on July 31, 2013. The grievance of the petitioner is that on his *ad hoc* appointment, he should have been given the pay band with the grade pay of the said post w.e.f August 11, 2010.

During the course of hearing, Mr. H.P. Chakravarti, learned counsel appearing for the petitioner states that petitioner had made a representation on February 8, 2011. I find the same is after around six months. He concedes that further representations have not elicited replies from the respondents. I note, even after his retirement, the petitioner had not taken recourse to judicial remedy till December 23, 2015, when this petition was filed.

At this stage, Mr. Chakravarti states that even assuming the petitioner is not entitled to higher pay scale w.e.f August 11, 2010, respondents having granted the promotion to the petitioner in the Pay band of Rs.15,600 – Rs.39,100/- with grade pay of Rs.5,400/- on June 27, 2013, could not have denied fixation and pension thereof. In this regard, he has drawn my attention to Page 33 of the paper book.

I find, a new case has been pleaded by Mr. Chakravarti now. Rejecting the prayers as made in the writ petition, liberty is granted to the petitioner to make a representation in that regard within four weeks, which shall be considered by the respondents within four weeks thereafter.

If respondents agree with the representation made by the petitioner, the arrears of the pay / pension w.e.f. June 27, 2013/August 1, 2013 (Pension) shall be released to the petitioner within four weeks from the date of decision with interest @ 9% per annum.

If the petitioner is still aggrieved with the order to be passed by the respondents, he shall be at liberty to agitate the same in accordance with law.

The petition stands disposed of.

**V. KAMESWAR RAO, J**

**SEPTEMBER 11, 2017/jg**