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

+ **W.P.(C) 675/2018**

TEJBIR SINGH AND ANR. Petitioners

Through: Mr. Ankur Chhibber, Advocate.

versus

UNION OF INDIA AND ORS. Respondents

Through: Ms. Sunita Ojha, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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31.01.2018

1. This order is in continuation of the order dated 23.01.2018, on which date, learned counsel for the petitioners had stated that the present case is squarely covered by the decision of a Co-ordinate Bench in **W.P.(C) No.9356/2016** entitled SI/GD Shambhoo vs. Union of India & Ors. and other connected cases decided on 11.10.2017. On the said date, learned counsel for the respondents was directed to examine the said decision, peruse the facts of the present case and come prepared.

2. Today, learned counsel for the petitioners states that besides the judgment in the case of SI/GD Shambhoo (supra), a recent judgment dated 12.01.2018 has been passed by a Division Bench of which one of us (Hima Kohli, J.) is a Member in **W.P.(C) No.332/2017** entitled Jas Ram vs. Union of India and Ors. and other connected matters, wherein the judgment in the case of SI/GD Shambhoo (supra) has been followed. He states that in view of the fact that the present case is squarely covered by the aforesaid decisions, it may be allowed on the same terms.

3. Learned counsel for the respondents states that she has made efforts to obtain instructions and repeatedly written letters to the respondent/CRPF, but she has not received any instructions so far.

4. We are not inclined to adjourn the matter, when the facts situation in the present case is similar to those in the cases of SI/GD Shambhoo (supra) and Jas Ram (supra).

5. Accordingly, the present petition is allowed. The letter dated 17.04.2015 issued by the respondents to the petitioner No.1 and the letter dated 16.08.2017 issued by the respondent to the petitioner No.2 as also the letter dated 14.12.2015 issued to both the petitioners incorrectly fixing the new pay scale without giving them an option under Rule(i) appended the Rule 7(1)(A) of the Central Civil Services (Revised Pay) Rules, 2008 are quashed and set aside. The petitioners shall be entitled to the benefit of clause (i) appended to Rule 7(1)(A) of the 2008 Rules, wherever it is more beneficial. Necessary compliances shall be made by the respondents within four months from today. In the event, compliance is made beyond the period granted above, the respondents shall pay simple interest @ 8% per annum to the petitioners from the date of passing of the order, till the payment is released.

6. The petition is disposed of. No orders as to costs.

HIMA KOHLI, J.

REKHA PALLI, J.

JANUARY 31, 2018

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